

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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PUBLIC SERVICE COMMISSION

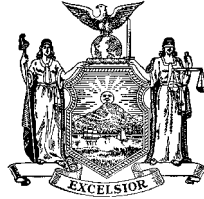
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October 4, 2004

Honorable Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 12th Street, SW
Washington, DC 20554

RE: Comments of the New York State Department of Public Service in the Matter of Unbundled Access to Network Elements, WC Docket No. 04-313; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338.

Dear Secretary Dortch:

Enclosed for filing please find the Comments of the New York State Department of Public Service in the above-referenced proceeding.

Should you have any questions on these Comments, please call me at (518) 474-2510.

Sincerely,

Dawn Jablonski Ryman
General Counsel

enc.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Unbundled Access to Network Elements)	WC Docket No. 04-313
)	
Review of the Section 251 Unbundling)	CC Docket No. 01-338
Obligations of Incumbent Local Exchange)	
Carriers)	

COMMENTS OF THE NEW YORK STATE
DEPARTMENT OF PUBLIC SERVICE

Dated: October 4, 2004
Albany, New York

Table of Contents

Introduction and Summary	1
I. Switching	4
A. The Commission Should Place Substantial Weight on Intermodal Competition....	4
B. Proposed Impairment Test.....	6
i. UNE-L Availability	7
ii. PacketCable Availability	9
iii. VoIP Availability	10
iv. Wireless Availability	10
v. Index Analysis	11
C. NYDPS Transition Approach.....	12
II. Transport.....	13
A. The Commission's TRO Dedicated Transport Analysis is Reasonable and Should be Retained.....	13
III. NYDPS Data Collection	16
A. Switching Data Collection	16
B. Transport Data Collection.....	17
Conclusion.....	19
Appendix A.....	i
Impairment Test.....	i
I. Data Inputs.....	i
A. UNE-L Availability	i
B. Broadband Availability.....	ii
C. PacketCable Availability	ii
D. Wireless Availability	ii
II. Substitutability of Alternatives	iii
A. Switching Impairment Methodology	iii
B. Switching Impairment Conclusion	iv
Appendix B.....	i
Transport Logit Regression Analysis	i
I. Transport Analysis Variable	i
A. UNE-L Service to Customers with 18 Lines or Less	i
B. UNE-L Service to Residential Customers	i
C. Total Lines	i
D. UNE-L Rate	i
E. Square Miles per Center	ii
F. Proportion of Residential Business Customers.....	ii

G.	Annual Mean Household Income	ii
II.	Transport Impairment Methodology.....	ii
III.	Transport Logit Analysis Results	iv
IV.	Transport Impairment Conclusion.....	v
Appendix C.....		i
NYDPS Data Collection, March 31 2004 NYDPS Memorandum.....		
Appendix D.....		i
Maps		
Map 1 Impairment Index		
Map 2 IntraLATA Transport Routes - Statewide		
Map 3 IntraLATA Transport Routes - Regional		

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**COMMENTS OF THE NEW YORK STATE
DEPARTMENT OF PUBLIC SERVICE**

Introduction and Summary

The New York State Department of Public Service (NYDPS) submits these comments in response to the Federal Communications Commission's (Commission) Order and Notice of Proposed Rulemaking (NPRM) released August 20, 2004 and published in the September 13, 2004 *Federal Register*. The Commission ordered incumbent local exchange carriers (ILECs) to continue providing unbundled access to switching, enterprise market loops and dedicated transport under the same rates, terms and conditions that applied under their interconnection agreements as of June 15, 2004.¹ In the accompanying NPRM, the Commission seeks comments on establishing unbundling rules under the Telecommunications Act of 1996 (the Act) §§ 251(c) and 251(d)(2) in a manner consistent with the *USTA II* decision.² In particular, it seeks comments on a legally sustainable impairment standard and the application of that standard to

¹ *In the Matter of Unbundled Access to Network Elements Review of the Section 251 Unbundling Obligations of ILECs*, Order and NPRM (released August 20, 2004), FCC 04-179.

² *United States Telecom Ass'n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) (*USTA II*), *pets. for cert. filed*, Nos. 04-12, 04-15, 04-18 (June 30, 2004).

individual network elements. Comments also are sought on a proposed transition mechanism for both Unbundled Network Element Platform (UNE-P) and transport. Finally, the Commission seeks a summary of state data on switch and transport competition.

NYDPS supports the Commission's efforts to establish unbundling rules that promote and encourage facilities-based competition. As the economics and technology of competitive telecommunications markets are constantly changing, regulatory policies must remain flexible. No longer is telecommunications competition as critically reliant upon the use of the incumbents' network. Competitors with their own facilities are also using wireless, PacketCable,³ and voice over internet protocols (VoIP) via digital subscriber lines (DSL) and cable modems⁴ to provide alternatives to the traditional incumbent local landline network.

Hence, the Commission should analyze switching impairment by evaluating the presence of both intramodel and intermodal competition.⁵ Toward that end, NYDPS has developed an impairment analysis to illustrate our preferred option that could be used as a model for national impairment criteria under 47 U.S.C. §251(d). Although we use the model to evaluate the New York market, the criteria developed could be used to make "impairment" or "non-impairment" determinations in any market.

The Order sets forth a six month interim regime to preserve the status quo. In the NPRM, the Commission proposes another six month transition and a one dollar UNE-P price increase if there is a finding of no impairment, or if the Commission fails to establish permanent rules. We support a price increase and a transition period; however, we support a higher initial price

³ PacketCable services use the private managed IP backbone of the cable companies.

⁴ These services rely on the cable and telephony companies to deliver voice telephony using combinations of self-provisioned equipment or facilities, common carrier services, and the public internet.

⁵ Intermodal encompasses those unique and separate arrangements that provide the customer originating and terminating access at their premises via separate facilities (i.e., wireline telephone, cable modem and wireless).

increase, with subsequent increases, and a longer transition than that proposed by the Commission to provide a more meaningful price signal at the start of the transition and to allow industry participants and consumers time to plan. In addition, the impairment analysis recognizes that intermodal competition is still emerging and a longer transition may be required to allow the market to mature.

NYDPS is in accord with the Commission's transport route-by-route approach adopted in the Triennial Review Order (TRO)⁶. NYDPS constructed a model to analyze transport data under a variety of conditions to satisfy the *USTA II* Court. Despite these efforts, our analysis has not identified conditions (e.g., population density, mix of business and residential, numbers of lines) on the triggered routes that accurately predict potential competition along adjacent routes. Based on this empirical evidence, the Commission's route-by-route analysis is indeed reasonable.

Finally, pursuant to the TRO, NYDPS collected data for determining whether the impairment triggers⁷ were met for switching and dedicated transport.⁸ The result of including the small business market (18 lines or less) in the definition of mass market is that 162 of 520 Verizon New York Wire Centers meet the trigger test and if only residential service (4 lines or less) is considered, then 19 wire centers meet the test. In addition, NYDPS found that of 27,774 possible transport routes, 135 potentially meet the trigger test.

⁶ *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*; Triennial Review Order (TRO) (released August 21, 2003), FCC 03-361.

⁷ See 47 C.F.R. § 51.319. In general, for both local switching and dedicated transport, such services meet the trigger test, and are therefore "not impaired", where competitors have provided at least three facilities of their own.

⁸ Because Verizon did not contest the Commission's national impairment finding for "high capacity loops," we did not gather any information.

I. SWITCHING

A. The Commission Should Place Substantial Weight on Intermodal Competition

The Commission seeks comments on how to create a legally sustainable impairment standard consistent with the *USTA II* decision.⁹ As network technologies evolve, regulators have an obligation to routinely evaluate the dynamic and diverse nature of competitive markets and how regulatory policies are furthering or hindering economic growth and technological advances. New York has a long tradition of encouraging the growth of telecommunications competition by responding to changing conditions.¹⁰ The Commission should take the opportunity in this rulemaking to take full account of the fact that “choice” is evolving rapidly with carriers increasingly able to use multiple platforms to satisfy consumers' telecommunications needs. While it is difficult to predict with precision just how fast consumers will move to these new platforms, there is no doubt that these platforms provide viable competitive alternatives. Thus, the Commission should recognize current market conditions by expressly placing substantial weight on intermodal competition as the basis for its switching impairment findings. Competitors with their own facilities are using VoIP, PacketCable and cellular technology to provide alternatives. In addition, new technology has provided consumers with several additional options for communication such as email and instant messaging, each of which utilizes one of three access modes and not simply traditional wireline telephony switching.

In the TRO, the Commission determined that intermodal alternatives, including wireless

⁹ Section 251(d)(2)(b) requires the Commission to consider “at a minimum” whether “the failure to provide access to such network elements would impair the ability of the telecommunications carrier seeking access to provide the services that it seeks to offer.”

¹⁰ The Commission has recognized New York's leadership. *See, In the Matter of Application by Bell Atlantic New York for Authorization under Section 271 of the Communications Act to Provide In-Region InterLATA Service in New York*, Memorandum Opinion and Order (released December 22, 1999), FCC 99-404 . NYPSC continues to encourage the development of competition through its participation in the Industry Change Control process, and in addressing competitive concerns through a formalized Expedited Dispute Resolution (EDR) Process.

and cable, had not blossomed into full substitutes for wireline telephony.¹¹ It concluded that the intermodal deployment record before it did not present sufficient evidence to sustain a finding of no impairment.¹² Instead, the TRO focused on unbundled network element competition. It required the states' granular review processes to focus on relevant barriers to entry and to examine actual market entry in specific customer or geographic markets without reliance on all of the Incumbent Local Exchange Company's (ILEC) facilities or elements.¹³ In *USTA II*, however, the D.C. Circuit reiterated its holding in *USTA I* that the Commission not ignore intermodal alternatives.¹⁴

NYDPS shares the Commission's goals of encouraging facilities-based competition and eliminating barriers to the development of a competitive local exchange market with multiple paths of entry to customers. While UNE-P competition has resulted in innovative product offerings to customers, ultimately, economic and technical advances will further new options for consumers. Competitive Local Exchange Carriers (CLECs) will need to rely on their own facilities or to enter into commercial agreements with the ILECs.¹⁵ In particular, the Commission's presumption of impairment was based on operational and economic barriers in the ILEC hot cut process as well as other factors related to UNEs. Continuing the widespread reliance on UNE-P could serve as a disincentive to further investment in new technologies. Given the rapid change in the marketplace, in consumer expectations, and in telecommunications technology, it is important that the regulatory framework promote innovation and economic

¹¹ TRO at ¶ 245, 443-445.

¹² TRO at ¶ 443-445.

¹³ TRO at ¶ 84, 93.

¹⁴ *USTA II*, at 572-573 (citing *United States Telecom Ass'n. v. FCC*, 290 F.3d 415, 429 (D.C. Cir. 2002) (*USTA I*)).

¹⁵ A competitive market is, of course, subject to antitrust laws to mitigate any exercise of residual market power.

investment. Therefore, the Commission should place greater emphasis on intermodal competition to analyze impairment under 47 U.S.C. §251(d). Toward that end, New York has developed a model that meets the impairment standard and gives appropriate weight to intermodal alternatives.

B. Proposed Impairment Test

NYDPS has developed an impairment analysis that identifies competitive service alternatives in each wire center in Verizon New York's service territory. There are four basic alternatives to Verizon's traditional wired telephone service that carriers can pursue to enter the local voice market: (1) UNE-L for residential and business customers, (2) PacketCable phone service, (3) wireless service and (4) VoIP via DSL or cable modem.

The analysis considered actual deployment to date as well as service providers' announced plans for expansion. A weighting is applied to each of the available alternatives to reflect characteristics that may render them each less than perfect substitutes for traditional wireline telephone service. Thus, our analysis recognizes that consumer acceptance may lag availability. Nevertheless, we are confident that consumers will become more accepting of these alternatives as their awareness of them increases.¹⁶ The weightings are summed for each wire center to arrive at an impairment index score. In wire centers whose indices meet or exceed an established threshold carriers are deemed not to be impaired without access to unbundled switching.

¹⁶ Years ago customers could only connect a monopoly-provided telephone to their monopoly-provided inside wire and exchange access line, and the only long distance provider was the same monopoly provider. Today, consumers enjoy a range of choice in telecommunications devices, home and business wiring, and in both local and long-distance carriers. In light of that experience, the acceptance and adoption of these new technologies is readily predictable.

These scores, discussed in further detail below, represent NYDPS's best evaluation of the extent to which consumers would be willing and able to substitute service via a particular platform for traditional telephone service. While we understand that New York may be unique (e.g., PacketCable phone service availability may be higher in our state than in many regions of the country), we have strived to create an index that could be adjusted to the specific facts and circumstances related to the status of a state's competitive market, taking into account technology development, the mix and location of the customer base (urban/rural, residential/business), and the geographic market.¹⁷ Based on our analysis, we find no impairment for local switching in 276 wire centers, out of 520 wire centers in New York, as shown in Appendix D, Map 1.

i. UNE-L Availability

UNE-L CLECs deploy their own switches. They have been establishing collocation arrangements in New York over the past eight years. There are approximately 1,200 collocation arrangements in New York including all types (e.g., cageless, physical, secured).¹⁸ Overall, this alternative is serving about 376,820 to 384,000¹⁹ small business and residential customers using DS0 loops. These switches are primarily used to serve small business customers, but some progress has been made to expand the use of these switches for residential service. Twenty-two carriers are actively providing service to business and residential customers, and three of these are cable companies. Ten of these carriers, including two of the three cable companies, are

¹⁷ For geographic boundaries, wire centers were chosen to reflect the TRO approach, but in some states other geographic boundaries, such as MSAs, may be more suitable. See attached Appendices A, C, D.

¹⁸ *Analysis of Local Exchange Service Competition in New York State*, 2002 Competitive Analysis Report, p. 25.

¹⁹ Based on Responses to NYDPS Staff data queries in Case 03-C-0821, *Implementation of the FCC's Triennial UNE Review Decision*.

providing service to residential customers via their own switches in approximately 178 Verizon wire centers.²⁰

Before a CLEC can use its own switch to serve a residential or small business customer the ILEC must perform a manual disconnection of the customer's loop from the incumbent switch and a reconnection of the loop to the CLEC's switch (a hot cut). In the past, the Commission determined that the hot cut processes posed substantial operational and economic barriers to serve mass market customers²¹ and asked state commissions to either implement a batch hot cut process (i.e., a process for transferring large volumes of mass market customers to a UNE-L CLEC), or find that the LEC's batch hot cut process does not cause impairment.²²

In August 2004, the New York Public Service Commission (NYPSC) issued an Order addressing the hot cut rates and the bulk hot cuts process.²³ NYPSC found that Verizon's processes are sufficiently scalable to address the increased demand in a post UNE-P environment.²⁴ Therefore, concerns about hot cuts have largely been addressed in New York, making UNE-L a real substitute going forward.²⁵ Moreover, where switching has already been deployed in a specific wire center for the small business market, it is reasonable to assume those facilities could also be used to serve residential customers, especially those residential customers

²⁰ *Id.* (Nineteen of these wire centers have three or more UNE-L CLECs providing service to residential customers.)

²¹ TRO at ¶ 422.

²² TRO at ¶ 423. *See, USTA II*, at 569-570.

²³ Case 02-C-1425, *Proceeding on Motion of the Commission to Examine the Process and Related Costs of Performing Loop Migrations on a More Streamlined (e.g., Bulk) Basis*, NYPSC Order Setting Permanent Hot Cut Rates (issued August 25, 2004).

²⁴ *Id.* at 59-60.

²⁵ The NYPSC has resolved many of the contentious issues related to hot cuts. For example, recently the NYPSC approved the terms of a settlement that addressed the costs of direct current power and other operational issues. *Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations Relating to the Provisioning of Direct Current Power by Verizon New York Inc. for Use in Connection with Collocation Spaces*, Order Adopting the Terms of a Joint Proposal, NYPSC Case No. 03-C-0980 (issued and effective April 14, 2004).

who are already being served by the carrier via UNE-P. For a wire center where a UNE-L CLEC serves residential customers we assigned a score of 1.0. For a wire center where a UNE-L CLEC serves only business customers (18 lines or less)²⁶ we assigned a score of 0.5 to recognize that there are additional business and economic issues for the CLECs to consider, including development of marketing plans and customer service functions.

ii. *PacketCable Availability*

PacketCable phone service, with a cable company's managed network, is able to provide an option that is potentially²⁷ or fully equivalent to that of the wireline providers in terms of service, including E-911. In Verizon's New York service territory, PacketCable service is widely available from Time Warner and Cablevision.²⁸ Infrastructure is more or less ubiquitous. The score of 1.0 assigned to this alternative reflects that this service is ubiquitously available in Cablevision's territory and that Time Warner has formally announced plans to roll it out more expansively over the next six months.²⁹ This score also recognizes that Time Warner does not require cable service as a prerequisite for phone service, so there are no major additional costs for the majority of consumers. Since nearly 80% of New Yorkers will have cable phone service available to them by year end,³⁰ we see no limitation on residential consumers switching to this alternative platform provider.

²⁶ This data represents the number of CLECs serving small businesses and residential customers having 18 lines or less. See the Commission's definition of mass market as it appears in the TRO at ¶127. See also, attached Appendix A Intermodal Impairment Test Data Inputs.

²⁷ The extent to which a cable provider markets and structures its product as a substitute for voice is largely within the discretion of the cable provider and not, per se, limited by available technology.

²⁸ www.cablevision.com.

²⁹ *Time Warner Cable Creates Unit to Handle Residential Telephone Business*, Time Warner Website, January 22, 2004. Time Warner Cable states that it has already announced plans to roll out digital phone service in most, if not all, of its 31 operating divisions by year end.

³⁰ Time Warner serves 50% of the State and Cablevision serves over 30% of the state. Charter, which serves less than 2% of the state, has also announced plans to have cable phone service available in 2005.

iii. VoIP Availability

VoIP services obtained over the customer's internet connection using the cable and telephone companies' broadband platforms (cable modem and DSL) have become widely available in New York where companies such as Vonage and AT&T are actively marketing these services.³¹ Currently, cable modem subscribers can choose a range of VoIP providers. An index score of .75 was assigned based on our recognition that service providers may use the public Internet and may not always offer the same level of service quality for voice traffic as do PacketCable providers. Moreover, such non-network based VoIP providers are currently unable to offer E-911 services equivalent to PacketCable and landline providers. The score also recognizes that customers must subscribe to a broadband service to avail themselves of this service.³² Although 95% of New Yorkers have access to broadband capability,³³ the added cost, as well as the factors described above, lead us to conclude that VoIP service is not an equal substitute for landline service at this time.

iv. Wireless Availability

Wireless services are offered to the public using a variety of technologies and Commission allocated spectrum (e.g., cellular). We assigned the wireless platform a weighted score of 0.5 if there were at least two wireless providers serving the wire center.³⁴ Wireless services are almost ubiquitously available in New York and exhibit very high subscription rates.

³¹ Statement of Chairman Michael K. Powell. *In the Matter of Unbundled Access to Network Elements*, WC Docket No. 04-313; *Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, www.vonage.com.

³² This score assumes that Verizon will make stand-alone DSL available.

³³ *Study of Rural Customer Access to Advanced Telecommunication Services*, NYDPS Report (released February 1, 2003) (Report to New York State Legislature on overview of access to advanced telecommunications services by rural customers).

³⁴ As Verizon Wireless is a primary provider of wireless services in New York, requiring the presence of at least two wireless providers in a wire center ensures the presence of at least one non-affiliated wireless network.

Growing evidence that some consumers, especially younger consumers, are willing to replace traditional wireline voice service with only wireless service, coupled with ongoing efforts by the wireless industry to respond to consumer demands for improved quality and service of wireless service,³⁵ and recent availability of wireline-wireless number portability³⁶ indicates that wireless is becoming a substitute in some circumstances. Characteristics of radio technology, including dropped calls, uneven reception, and the lack of a dependable E-911 capability, suggest wireless is not yet a full substitute for basic wired telephone service. Therefore, we assigned wireless a 0.5 score.

v. *Index Analysis*

The index developed by NYSDPS may be employed to determine whether sufficient alternatives are available in a wire center to support a finding of no impairment. If competition were available from all the sources described above in a given wire center, an index value of 3.25 would be determined for that wire center. In our judgment, an index value of 2.75 or above indicates a level of competition sufficient to conclude that carriers will not be impaired without access to unbundled switching under the Act. Additionally, there should be at least three alternatives to the ILECs wireline service and at least three different platforms to protect against market concentration. Given that the maximum index value is 3.25, and recognizing that the presence of each alternative is not necessary to conclude that switching be provided on a non-TELRIC basis, NYDPS believes an index value of 2.75 reflects a suitably robust mixture of alternatives to serve as an index trigger value. This value might be reached, for example by the

³⁵ According to estimates from the Commission, as many as 68% of United States residents who are between the ages of 18 and 24 own a cell phone. Among that demographic, 15% do not have a landline at home. <http://www.fcc.gov>.

³⁶ *In the Matter of Telephone Number Portability, CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*; Memorandum Opinion and Order and Further Notice of Proposed Rulemaking (Released November 10, 2003) FCC 03-284.

presence of UNE-L for residential customers, PacketCable, wireless, and DSL-based VoIP (3.25), or UNE-L for business customers, PacketCable, wireless, and cable modem supporting VoIP (2.75).

While NYDPS's specific index analysis may not be definitive for the nation, we recommend it as a framework that can be utilized across the country. Markets will and do evolve differently throughout the country. It is fair to say that in New York, at least in some areas, the market penetration of competitors is higher than in many other areas of the country.³⁷ For example, PacketCable service, widely available in New York, may not be a major force in other parts of the country. Thus, a one size fits all approach may not be appropriate. Consequently, the Commission may need to adapt this model to account for regional differences.

C. NYDPS Transition Approach

Under the Commission's Order, UNE-P will continue to be available at existing prices for six months from publication in the *Federal Register* or until March 12, 2005, unless current rates are changed via (1) voluntarily negotiated agreements; (2) a Commission Order; or (3) rates being increased by the state. The Commission's interim rules establish that at the end of this first six month period, if there is a finding of no impairment or no action by the Commission, UNE-P will continue to be available for another six months with a one dollar price increase. NYDPS supports both a price increase and a transition period. However, the increase in price should be greater than one dollar and the transition period should continue for an additional six months (i.e., eighteen months from the date of publication in the *Federal Register*).

A larger initial price increase would provide a more meaningful price signal to carriers in the market and encourage prompt implementation of migration plans. The longer transition takes

³⁷ See, fn 32 *Supra*.

into account that competition is still developing. A longer transition would make the Commission's reliance on intermodal competition more reasonable and would allow for alternative technologies to become even more prevalent in the marketplace. It would also allow more time for carriers and consumers to adapt to the new circumstances.³⁸

Moreover, NYDPS urges that prices should increase more rapidly during the transition so that the final price at the end of the transition would be no less than the price of an equivalent retail product offered for resale or a lower, market-determined price. In effect, the final price ceiling should reflect Verizon's retail price minus the costs of activities no longer performed by Verizon when selling at wholesale.³⁹ Under our approach the TELRIC rate on March 13, 2005 would be increased 25% of the difference between the anticipated final price and the current price, then another 25% on September 13, 2005 and then the remainder on March 13, 2006.⁴⁰

II. TRANSPORT

A. The Commission's TRO Dedicated Transport Analysis Is Reasonable and Should be Retained

In the NPRM, the Commission seeks comment on how it should implement transport unbundling rules in a manner more consistent with the D.C. Circuit's *USTA II*⁴¹ decision. More specifically, the Commission seeks comment, including evidence at a granular level, on how to determine whether a competitor has access to dedicated transport.

³⁸ We recognize that not every consumer currently has a choice, or for that matter, will have choice in the future, though the vast majority of New Yorkers will have access to multiple forms of telecommunications. Action should be taken, where appropriate, to protect consumers who may be left behind by the marketplace.

³⁹ See NYPSC Case No. 04-C-0429, *In the Matter of Telecommunications Competition in New York*. Estimated by Verizon to average approximately \$35.05.

⁴⁰ This proposal is not intended to affect pre-existing ILEC obligations to a state.

⁴¹ *United States Telcom Ass'n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) (*USTA II*), *pets. for cert. filed*, Nos. 04-12, 04-15, 04-18 (June 30, 2004). In general, under the TRO a route was not impaired if such route contained either three or more "self-provisioners" or two or more wholesale providers.

The D.C. Circuit questioned the Commission's route-by-route analysis observing that, although it might be "infeasible" to define the transport market in a broader manner, the Commission failed to demonstrate that it explored alternative definitions or methodologies.⁴² The Court was concerned that the Commission's route-by-route analysis was performed in a vacuum, ignoring facilities deployment on one route when examining other adjacent routes.⁴³ In other words, the Commission failed to demonstrate why the existence of "self-provisioners" along one transport route (e.g., Wire Center A to Wire Center B) was irrelevant to the possibility of competition on an adjacent route (e.g., Wire Center A to Wire Center C).⁴⁴

In response to the Court's concerns, NYDPS developed a statistical model that analyzed the conditions on TRO triggered transport routes to determine if those conditions could be used to predict competition on adjacent routes. In practical application, however, the conditions found on routes triggered did not correlate with the existence of competition on those routes. Thus, NYDPS model confirms that the Commission's route-specific approach is a reasonable analytical tool for determining impairment.

More specifically, NYDPS determined that 15,774 intraLATA routes are candidates for dedicated transport in Verizon's New York territory.⁴⁵ Next, NYDPS found that 135 Verizon routes contained three or more transport competitors of any capacity type. NYDPS developed a statistical model that analyzed the following characteristics of each specific triggered route: (1) whether a competitor used its own switches specifically for providing UNE-L to small business

⁴² *USTA II* at 575.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ NYDPS calculated the routes by counting the number of wire centers in Verizon's territory and determining how many routes would exist if every single wire center connected to every other wire center on an intralata basis. Then NYDPS reduced the number by considering only those routes as candidates where a competitor has customers, evidenced by collocation of switches in a Verizon wire center.

customers; (2) whether UNE-L is used to provide service to residential customers; (3) the total number of customers served by all providers in the wire centers; (4) the square mileage of the area served by each wire center;⁴⁶ (5) the proportion of residential to business customers; and (6) the average household earnings of customers served by each wire center.⁴⁷

NYDPS found that the model could not predict competition even along the routes having three or more transport competitors.⁴⁸ The model predicted competitive routes with only 67% accuracy given the variables used. Moreover, the model found only an additional 46 routes "likely competitive" when it was applied to the adjacent routes in Verizon's New York territory. In addition, we do not have information available for those 46 routes identifying other factors that could account for the lack of deployment of competitive facilities, such as whether a CLEC could gain access to rights-of-way along the route or has collocation available.

Accordingly, NYDPS concludes that the statistical error rate of 33% renders the use of the model unworkable for this purpose. Additionally, of the 15,774 candidate routes for transport in Verizon's New York territory, only 135 have three or more transport competitors. Any adjacent routes found to be "competitive" under the statistical model represent such a small proportion of all routes (46 of 15,774) as to be insignificant.⁴⁹

⁴⁶ "Square miles served" was used to provide an identifiable variable for comparing rural and urban areas.

⁴⁷ "Net Household income" was used to determine if there was any difference between competitive transport offerings among urban, suburban and rural areas, as defined by this measure of income.

⁴⁸ NYDPS statistical model employed a logit regression analysis which creates a binary outcome, in this case competitive ("1") or not competitive ("0"). Relevant factors are taken from the set of those triggered routes known to be competitive (to create a dependant variable) and measured against the set of those routes in question (not triggered) to determine with what probability those routes may be categorized as "1" route (known competitive routes) or as a 0 (presumed to be not competitive). Each model was able to predict some non-triggered routes as "likely competitive," however, neither model was able to predict already competitive routes with any reasonable degree of accuracy. Thus, NYDPS viewed as highly suspect any results for non-triggered routes. See Appendix B.

⁴⁹ Appendix D, Maps 2 and 3.

Having made reasonable efforts to develop a statistical model, we conclude that the conditions on the routes that were triggered could not predict competition on the adjacent routes with sufficient accuracy. Therefore, NYDPS recommends that the Commission retain its route-by-route analysis.⁵⁰

III. NYDPS' DATA COLLECTION

Pursuant to the TRO's delegation to the states for determining whether the triggers were met for finding non-impairment, NYDPS commenced a proceeding to collect data necessary to an evaluation of the triggers.⁵¹ NYDPS compiled the data, distributed a summary to the parties, and on December 2, 2003, NYDPS held a technical conference. NYDPS then asked for additional information regarding the TRO triggers.⁵²

The data was not subject to formal cross examination, but was attested to and was commented on by parties. Appendix C hereto more specifically summarizes the data in aggregate form as it was made public in a NYDPS memorandum, dated March 31, 2004.

A. Switching Data Collection

Under 47 C.F.R. 51.319, local circuit switching is not impaired where the State Commission finds three or more competitors self-provisioning in a wire center. The State Commission is to consider intermodal competitors to the extent that they offer service comparable to that of the ILEC.

⁵⁰ Contrary to switching, NYDPS believes that the Commission's proposed transition period and price is appropriate for unimpaired transport routes.

⁵¹ *In the matter of the Implementation of the Federal Communications Commission's Triennial UNE Review Decision*, NYPSC Case 03-C-0821.

⁵² After the technical conference, NYDPS sent out further data requests to CLECs on December 13, 2003, and to incumbent LECs on December 22, 2003. Then NYDPS sent out request specifically tailored to transport on December 13, 2003. For all the foregoing, NYDPS set a response date of January 9, 2004.

In performing its initial analysis for local circuit switching, NYDPS conducted a wire center-specific review that omitted wireless and data switches deeming them as competitors not offering service comparable to Verizon.⁵³ We agree with the TRO finding, that a competitor serving only a few UNE-L lines should not be considered as "actively providing" service for the switching trigger.⁵⁴

Notably, the TRO did not define the mass market, instead deferring the definition of the market to the State Commissions.⁵⁵ Accordingly, NYDPS determined that when small business (18 lines or less) was included in the mass market,⁵⁶ 162 Verizon wire centers were triggered. If, however, the mass market were interpreted to include only carriers offering service to residential customers⁵⁷ (four lines or less), then 19 Verizon wire centers were triggered.

B. Transport Data Collection

Pursuant to the Commission's regulations for dedicated transport, a route is considered competitive, in general if it includes either two or more wholesale providers or three or more self-provisioning competitors.

In performing its impairment analysis, NYDPS assumed that the two end points of a candidate route were connected along the entire route unless the competitive LECs provided that the route should not be counted because it terminated in a CLEC switch or passed through a CLEC's facilities at some point along the route. NYDPS did not assume, however, that a route

⁵³ As seen in the section regarding switching, *supra*, NYDPS's view on intermodal alternatives, such as wireless, has evolved along with the evolution of those services.

⁵⁴ A switch was considered "actively providing" service where it provides service to mass market customers, and where it is "operationally ready and willing to provide service to all customers in the designated market." TRO at ¶ 499.

⁵⁵ TRO at ¶ 499, *see* 47 CFR 51.319(d)(2)(i).

⁵⁶ TRO at ¶ 127.

⁵⁷ TRO at ¶ 127, n.432.

meeting a DS3 trigger necessarily also triggered DS1 dedicated transport based on the Commission's regulations separating the two capacities.⁵⁸

Based upon these assumptions, NYDPS found that 72 routes in Verizon's New York service territory were triggered. NYDPS found an additional 63 routes that included three or more self-provisioned transport facilities but did not determine those routes to be triggered because CLECs did not provide information as to the capacity available on those facilities. Based on the Commission's statement that competitors generally cannot self-provide DS1 transport,⁵⁹ NYDPS now believes it is reasonable to assume that the 63 routes where there are three or more self-provisioners use DS3 transport facilities. Therefore, NYDPS has found that 135 routes may be triggered in Verizon's New York service territory.

⁵⁸ 47 CFR 51.319(e). DS1 transport provides a total digital signal speed of 1.544 megabytes per second. *Id.* DS3 transport provides for a total digital signal speed of 44.736 megabytes per second. *Id.*

⁵⁹ TRO at ¶ 391.

CONCLUSION

For all of the foregoing reasons, NYDPS urges the Commission to rely on both intramodal and intermodal competition to determine impairment, and to lengthen the transition period and prices. Finally, the Commission's TRO transport trigger approach continues to be reasonable, based on our analysis.

Respectfully submitted,

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Dated: October 4, 2004

APPENDIX A

IMPAIRMENT TEST

In response to the Commission's August 20, 2004 NPRM, NYDPS used data initially collected for its TRO proceeding to create an impairment test.⁶⁰ In addition to the TRO data, NYDPS also used data collected from various resources, including the Commission, regarding the availability of intermodal alternatives to traditional "plain old telephone service" in New York State. For our impairment test, NYDPS created an index to represent the relative substitutability of various competitive intermodal alternatives. For example, data was collected regarding the availability for each wire center in Verizon's New York territory of UNE-L service; broadband access (for VoIP services); PacketCable phone service; and wireless service. The following sections discuss more fully how the collected data was used in our impairment test.

I. DATA INPUTS

A. UNE-L Availability

Pursuant to its TRO proceeding, NYDPS had collected data regarding whether CLECs were "actively providing" service using UNE-L for the area served by each wire center. NYDPS identified competitive carriers that used their own switches to provide voice service.⁶¹ Accordingly, the original data included switches serving very few UNE-L lines. Because the TRO did not define switches serving so few lines as "actively providing" service,⁶² those switches were not considered in this impairment test. Additionally, switches for which parties did not provide information on the number of lines served were not considered in this test.

The Commission left it up to the states to define the mass market. Accordingly, NYDPS performed two analyses for competitors using their own switches. The first analysis included CLECs serving small business and residence customers with 18 lines or less, and the second analysis included only residential customers.⁶³

Verizon provides local service in at least 520 wire centers in New York. In 329 of those 520 wire centers, one or more CLECs are using their own switches to actively provide service to customers having 18 lines or less. Moreover, one or more CLECs are using their own switches to actively provide service to residential customers in 178 wire centers.

⁶⁰ See NYDPS Comments, Section I, Switching, herein for a discussion regarding the test and results.

⁶¹ TRO at ¶499.

⁶² See the Commission's explanation of "actively providing" service in the TRO at ¶499.

⁶³ Compare the Commission's discussion of the mass market as it appears in the TRO at ¶127 with that at footnote 432.

B. Broadband Availability

For our impairment test, NYDPS considered the availability of internet service provided either by digital subscriber line (DSL) or by cable modem.

NYDPS obtained information regarding the availability of DSL for each of Verizon's wire centers by using data from the Commission's June 2003 report titled "Local Competition and Broad Band Reporting." The data reported the zip codes in which each DSL provider serves end-user locations.⁶⁴

NYDPS determined DSL availability by looking for those zip codes served either by Verizon or Covad. The zip codes were then assigned to wire centers. If a zip code's area straddled two or more wire centers, the zip code was assigned to the wire center in which it had the larger area. NYDPS found that broadband internet access via DSL is available in areas served by 487 of the 520 Verizon New York wire centers.

Similarly, NYDPS determined cable modem availability by using data from the same proceeding. As of June 2003, at least eight cable companies were doing business in Verizon's New York territory.⁶⁵ NYDPS found that broadband internet access via cable modem is available in 490 of 520 Verizon New York wire centers.

C. PacketCable Availability

Of the five major cable companies operating within New York State, only the two largest, Time Warner and Cablevision, currently offer their own PacketCable phone service.⁶⁶ According to its tariff on file with NYDPS, Time Warner offers the service in approximately 50% of the New York market, while Cablevision serves approximately 30 % of such market. PacketCable phone service by Time Warner and Cablevision is available in 432 of the 520 Verizon wire centers.

D. Wireless Availability

Cellular coverage was determined by inputting a representative zip code for each county into the "WirelessAdvisor.com" website.⁶⁷ As with the foregoing providers, zip

⁶⁴ The zip code information was taken from the results of companies' self-reporting on Commission Form 477, Part V-1.

⁶⁵ As with DSL availability, the information used to determine cable modem availability was taken from the results of the Commission's Form 477 in the "Local Competition and Broad Band Reporting" proceeding.

⁶⁶ Three other cable companies, Adelphia, Charter and Mid Hudson, do not yet offer PacketCable phone service, although their networks are technically capable of providing such a product.

⁶⁷ WirelessAdvisor.com is available at the following web address: <http://www.wirelessadvisor.com/>. NYDPS performed its queries on WirelessAdvisor.com on September 2, 2004, and September 3, 2004, between 9 a.m. and 5 p.m. E.D.T. WirelessAdvisor.com is suggested by the Commission's own website as a source to determine the availability of cellular coverage.

See <http://wireless.fcc.gov/services/broadbandpcs/operations/findingserviceprovider.html>.

codes were assigned to Verizon wire centers. NYDPS found that there are at least four carriers providing wireless service in each county of New York State. Thus, for our impairment test, all wire centers reflect wireless availability.

II. SUBSTITUTABILITY OF ALTERNATIVES

NYDPS proposes a suggested scale assigning substitutability weights to each intermodal offering considered in the intermodal impairment test. The weights assigned represent our best educated estimates and take into consideration variables such as level of service quality; necessity of entering long-term contracts; necessity of subscribing to broadband internet service; and E911 availability.

A. Switching Impairment Methodology

NYDPS impairment test calculates a weighted index representing the availability of alternatives in the area served by each wire center. The impairment index measures the availability of competitive options to UNE-P based service by providing a total score based on the relative substitutability of available intermodal alternatives.

The intermodal alternatives were assigned the following weighted values:

- UNE-L providers of residential service = 1.
- UNE-L providers of "18 or lines or less" = .50.
- Internet access via cable modem or DSL (VoIP availability) = .75.
- PacketCable phone service = 1.
- More than 2 wireless offerings available = .50.

The total score is created by adding together each component value by wire center. For example, Verizon's wire center on State Street in Albany, New York, would have an impairment index value of 3.25 since customers served by that wire center have four competitive choices. UNE-L is only counted once. If service is available to residential customers, the wire center receives a "1", not a "1" and a ".50".

B. Switching Impairment Conclusion

NYDPS viewed a total score of 2.75 or greater as sufficient to make a finding of "no impairment." The following table summarizes the impairment test results across Verizon's 520 New York wire centers:

<u>Impairment Index</u>	<u>Wire Centers</u>	<u>UNE-P Lines</u>	<u>Total Lines</u>
0.5	3	588	3,539
1.25	32	12,222	72,868
1.75	34	62,951	326,308
2.25	175	156,636	913,763
Total <2.75	244	232,397	1,316,478
2.75	117	388,350	1,863,948
3.25	159	1,208,018	7,699,131
Total >= 2.75	276	1,596,368	9,563,079
Total	520	1,828,765	10,879,557

Additionally, Appendix D contains maps depicting the results of our impairment test for New York. Those wire centers remaining impaired after the test has been applied (total score < 2.75) are in blue, while "unimpaired" wire centers (total score >= 2.75) are in red.

APPENDIX B

TRANSPORT LOGIT REGRESSION ANALYSIS

In response to the Commission's August 20, 2004 NPRM, NYDPS used data initially collected for its TRO proceeding to create a logit regression analysis attempting to calculate the potential for competition along routes not triggered by the TRO. We analyzed factors present on routes with existing transport competition (as measured by the TRO triggers) to determine if such factors correlate substantially with the development of competition along those routes.

I. TRANSPORT ANALYSIS VARIABLES

A. UNE-L Service to Customers with 18 Lines or Less

NYDPS used the same data source as that in its switching impairment test.⁶⁸ This data represents the number of CLECs serving small business and residence customers having 18 lines or less.

B. UNE-L Service to Residential Customers

NYDPS used the same data source as that in its impairment test excluding small business in the definition of mass market.⁶⁹

C. Total Lines

This information was taken from Verizon's response to CLEC information requests in NYDPS' TRO proceeding and represents Verizon's total switched access lines as of June 2003. The number of total switched access lines equals the combined number of retail, resale and UNE-P lines.

D. UNE-L Rate

This information was taken from Appendix A of NYDPS Order Instituting Verizon's Incentive Plan.⁷⁰

⁶⁸ See Appendix A.

⁶⁹ See Appendix A.

⁷⁰ NYPSC Case 00-C-1945, *Proceeding on Motion of the Commission to Consider Cost Recovery by Verizon and to Investigate the Future Regulatory Framework*; NYPSC Case 98-C-1357, *Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements* (Issued and Effective February 27, 2002).

E. Square Miles per Wire Center

This information was taken from wire center specific data contained in the HAI 5.2-NY Model (HAI Model) jointly sponsored by AT&T and WorldCom.⁷¹

F. Proportion of Residential to Business Customers

This information was also gathered from the wire center specific data contained in the HAI 5.2-NY Model (HAI Model) jointly sponsored by AT&T and WorldCom.

G. Annual Mean Household Income

This information was taken from United States 2000 census data regarding the average household earnings for residential customers on a Zip Code basis.

II. TRANSPORT IMPAIRMENT METHODOLOGY

NYDPS transport logit regression analysis examines the foregoing characteristics as found on unimpaired routes determined under the Commission's TRO triggers. Those characteristics are analyzed on adjacent routes to determine with what probability competition is likely to develop. NYDPS accomplished this by adding information regarding wire center characteristics to trigger database information; identifying which characteristics are most correlated with the provision of alternative transport; determining if non-triggered "A to C"⁷² routes have same important characteristics as triggered "A to B" routes, and investigating market failures on a case by case basis.

NYDPS found that there are approximately 27,000 possible interoffice, intraLATA transport routes between Verizon's New York State wire centers. Approximately 15,700 of those routes are associated with wire centers in which at least one CLEC uses its own switches to serve 18 line or less mass market customers.

Given the data submitted in that proceeding by competitive transport providers, NYDPS compiled a list of 135 routes having three or more transport competitors of any type.⁷³ Of those 135 routes, 72 routes were determined to have passed at least one of the five TRO transport triggers dedicated DS1, DS3, dark fiber transport. Consistent with

⁷¹ See NYPSC Order on Unbundled Network Element Rates, Exhibit 314-[RAM4] filed in NYPSC Case 98-C-1357, *Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements* (Issued and Effective January 28, 2002).

⁷² "A to C" and "A to B" designations are taken from the D.C. Circuit's *USTA II* discussion regarding its discomfort with the Commission's TRO route by route analysis.

⁷³ Verizon identified 4,141 candidate routes for non-impairment status in its October 2003 filing in the NYPSC TRO proceeding.

our intermodal view of switching, however, we have focused on the 135 route count which includes transport between Verizon central offices for cable companies.⁷⁴

NYDPS logit regression analysis was developed to address the D.C. Circuit's concern that the TRO triggers considered routes on an individual basis, ignoring facilities deployment on one route when examining an adjacent route. NYDPS examined the following factors as possibly being correlated with competitive entry: whether CLEC switches were used for residential service; whether CLEC switches were used to provide service to 18 line or less customers; the total number of customers served; UNE-L rates (that may be correlated with other factors such as margins); square mileage (density); the proportion of residential to business customers; and net household income (purchasing power).

NYDPS specified the likelihood of three or more transport competitors on an "A to B" route using the following logistic equation:

$$\ln \left[\frac{P_{transport_comp}}{1 - P_{transport_comp}} \right] = \beta_0 + \beta_1 (switch_res) + \beta_2 (switch_18_lines) + \beta_3 (tot_lines) + \beta_4 (une_l_rate) + \beta_5 (sqmi) + \beta_6 (res_prop) + \beta_7 (income) + \sum_{i=1}^5 \delta_i (lata_indicator_i) + \varepsilon_i$$

where the left side of the equation is the log of the odds of three or more transport competitors.

Specifically, the variables used in the right hand side of the regression equation are constructed using information collected for each end point wire center associated with each triggered route. To create a route's specific variable, we either total the information at the two end points, or average the information, as follows:

```
switch_18_line_=switch_18_line_a+switch_18_line_b
switch_res_=switch_res_a+switch_res_b
tot_lines_=tot_lines_a+tot_lines_b
une_l_rate_=(une_l_rate_a*(tot_lines_a/(tot_lines_a+tot_lines_b))+une_l_rate_b*(tot_lines_b/(tot_lines_a+tot_lines_b)))
sqmi_=sqmi_a+sqmi_b
resprop_=(resprop_a*(tot_lines_a/(tot_lines_a+tot_lines_b))+resprop_b*(tot_lines_b/(tot_lines_a+tot_lines_b)))
```

⁷⁴ The difference between Verizon's count and NYDPS results is that Verizon counted more collocations as being operationally ready to provide transport than those to which the CLECs attested as actually being operationally ready. Thus, using information provided by the CLECs, NYDPS made its determination that 72 routes were triggered by the TRO, and an additional 63 routes had three or more self-provisioning competitors, some of which were cable companies.

$$\text{income_} = \text{income_a} * (\text{tot_lines_a} / (\text{tot_lines_a} + \text{tot_lines_b})) + \text{income_b} * (\text{tot_lines_b} / (\text{tot_lines_a} + \text{tot_lines_b}))$$

Also included in the model were LATA indicator variables.

The signs of the explanatory variables meet our expectations with the exception of the margin variable. Those estimates with odds ratios much different than 1 are the most telling in terms of their effect on competitive entry. For example, the estimated odds ratio of 3.03 for the 18 lines or less switch variable should be interpreted as: "the odds of having 3 or more transport competitors increase by more than a 3 to 1 ratio with the presence of additional CLEC switches serving 18 lines or less customers." The estimated coefficients and statistical significance are summarized in the following table:

Transport Logit Regression Model Estimates & Summary Statistics					
				Number of obs =	26450
Transformed Dependent Variable = transport_comp				LR chi2(10) =	5275.45
				Prob > chi2 =	0
Log likelihood = -695.6576				Pseudo R2 =	0.7913
Explanatory Variable	Odds Ratio	Coefficient Estimate	Standard Error	z	P>z
switch_res_	0.6917555	-0.3685227	0.0907561	-4.06	0
switch_18_lines_	3.03273	1.109463	0.0596284	18.61	0
tot_lines_	1.000015	0.000015	1.86E-06	8.04	0
une_l_rate_	1.282584	0.2488764	0.0951908	2.61	0.009
sqmi_	0.9516942	-0.0495115	0.0073432	-6.74	0
resprop_	0.001081	-6.829871	0.5731995	-11.92	0
income_	1.000005	4.73E-06	4.53E-06	1.04	0.297
lata_alb	50101.27	10.8218	0.6310914	17.15	0
lata_buff	1748470	14.37425	0.6231934	23.07	0
lata_syr	175743.7	12.07678	0.7873747	15.34	0
_constant		-20.76803	1.333524	-15.57	0
note: lata_bing_=0 predicts failure perfectly, lata_bing dropped and 672 obs not used					
note: lata_pou_=0 predicts failure perfectly, lata_pou dropped and 861 obs not used					

III. TRANSPORT LOGIT ANALYSIS RESULTS

For those 135 routes which actually have 3 or more transport competitors, the model's estimated probability of competition is 67% on average. The "goodness of fit" (R2) coefficient indicates a 79% explanatory power.

The regression analysis identifies 46 potentially unimpaired "A to C" routes from the latest regression including: 8 routes with zero competitors; 12 routes with one competitor; and 26 routes with two competitors. In other words, the regression analysis

demonstrates 46 "A to C" routes having more than a 50% likelihood of competition. Omitted from the results are the following routes with less than an estimated probability of 50%: 163 routes with two competitors; 608 routes with one competitor; and about 26,000 routes with zero competitors.

Appendix D contains a map showing the routes in Verizon's New York territory with three or more competitors.

IV. TRANSPORT IMPAIRMENT CONCLUSION

The available factors that are present on routes with three or more competitors do not substantially correlate with the competition on those routes. Additionally, because those factors do not substantially correlate with the emergence of competition on triggered routes, such factors are not an accurate predictor of competition on non-triggered routes.

APPENDIX C
NYDPS DATA COLLECTION
MARCH 31, 2004 NYDPS MEMORANDUM

The following pages contain a NYDPS memorandum that was circulated to the parties to NYDPS TRO proceeding explaining our data collection efforts and detailing the results.

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PUBLIC SERVICE COMMISSION

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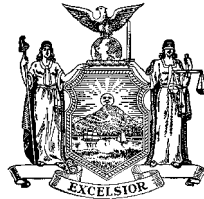
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Secretary

March 31, 2004

DEPARTMENT OF PUBLIC SERVICE STAFF'S ANALYSIS OF SWITCHING AND TRANSPORT TRIGGERS

Background

As part of the New York State Public Service Commission's (Commission) Case 03-C-0821, implementing the Federal Communication Commission's (FCC) August 21, 2003 Triennial Review Order (TRO), Staff compiled, in consultation with numerous parties and non-parties to the proceeding, questions designed to obtain relevant information to implement the unbundling requirements specified in 47 CFR § 51.319. Staff collected information specifically related to satisfying the FCC's transport, switch, and high-capacity loop trigger analysis¹ via an information request sent on October 3, 2003. Thereafter, on October 17, 2003, Staff sent a clarification that addressed questions raised by the parties regarding issues presented in the information request.

On November 17, 2003, Staff distributed a preliminary summary of the results of its data collection efforts. These results were discussed at a technical conference held on December 2, 2003. During the conference, it was decided that all CLECs who were parties to the proceeding would be invited to participate in a group effort to produce a joint set of additional information requests. CLEC-to-CLEC switching-related requests were issued on December 15, 2003 and CLEC-to-ILEC requests were distributed on December 22, 2003. Follow-up transport information requests were issued on December 16, 2003. Responses to all follow-up requests were due on January 9, 2004.

In light of the D.C. Circuit's *USTA II* decision, which vacated and remanded portions of the TRO, including the FCC's national impairment findings for dedicated transport and switching, these data gathering efforts will need to be re-evaluated. But in view of Chairman Flynn's commitment to moving forward and the upcoming technical conference to discuss

¹ Information regarding high-capacity loops was only collected in Frontier of Rochester's territory because Verizon New York, Inc. elected to not challenge those TRO findings at this time.

information gathering efforts in light of the D.C. Circuit decision, the following is presented to inform the parties of the above-referenced data collection effort. The results presented below obviously do not represent an ultimate finding in Case 03-C-0821.

Summary

A. SWITCHING

1. Criteria

The FCC enumerated certain criteria to be followed when applying the switching-related triggers. Staff applied the local switching self-provisioning trigger as specified in 47 CFR §51.319 (d) (iii) (A) (1).²

2. Issues

The following may affect the outcome of the switching trigger analysis:

- Definition of Mass Market – The mass market has not yet been defined.³
- Qualifying Provider – Staff's analysis excluded wireless and data switches.⁴ Staff did include cable as an eligible switch provider.⁵
- Defining the Geographic Market – The relevant geographic market must be defined, and consideration must be given to a competitor's ability to serve specific markets economically and efficiently using currently available technologies.⁶ Staff's analysis is conducted on a wire center by wire center basis.
- Actively Providing – The self-provisioning trigger goes to identifying competitive carriers with switches that are actively providing voice service.⁷ Accordingly, there may be switches serving very few UNE-L lines, and those switches could be deemed as not "actively providing" and, therefore, not eligible for the switching trigger.⁸

3. Application of Switching Triggers

² On page 5 of its November 10, 2003 letter to Judge Linsider in this proceeding, Verizon indicated that it would not challenge the local switching competitive wholesale facilities trigger specified in 47 CFR §51.319 (d) (iii) (A) (2).

³ TRO at ¶459.

⁴ Id. at ¶445.

⁵ Id. at ¶501, footnote 1560.

⁶ Id. at ¶495.

⁷ Id. at ¶499.

⁸ Staff is providing its compilation of lines served by CLEC switches on a separate disk along with its revised underlying switching and transport data base. Note, some parties did not provide information on the number of lines served by their switches.

- Staff's list of relevant wire centers are in Attachment 1 (including small business in the definition of mass market)⁹ and Attachment 2 (excluding small business in the definition of mass market).¹⁰
- If mass market is interpreted to include carriers serving residential or business customers with 18 lines or less, then 162 Verizon and 7 Frontier wire centers could potentially pass the trigger. If mass market is interpreted to include only carriers offering service to residential customers, then 19 Verizon and no Frontier wire centers could potentially pass the trigger.

B. TRANSPORT

1. Criteria

The FCC enumerates certain transport trigger tests in 47 CFR §§51.319 (e) (1), (2) & (3). Staff applied the following triggers:

Competitive wholesale facilities trigger for dedicated DS1 transport
47 CFR § 51.319 (e) (1) (ii) - (2 or more competing providers)

Self-provisioning trigger for dedicated DS3 transport
47 CFR § 51.319 (e) (2) (i) (A) - (3 or more competing providers)

Competitive wholesale facilities trigger for dedicated DS3 transport
47 CFR § 51.319 (e) (2) (i) (B) - (2 or more competing providers)

Self-provisioning trigger for dark fiber transport
47 CFR § 51.319 (e) (3) (i) (A) - (3 or more competing providers)

Competitive wholesale facilities trigger for dark fiber transport
47 CFR § 51.319 (e) (3) (i) (B) - (2 or more competing providers)

2. Issues

The following may affect transport outcomes:

- Staff assumed that the two end points of a candidate route are connected all the way through unless the CLECs provided additional information indicating that the fiber exiting a collocation arrangement goes 1) directly to a CLEC switch or 2) transits another carrier's facilities somewhere along the candidate A to Z route.

⁹ Id. at ¶127

¹⁰ Id. at footnote 432.

- Staff did not assume that a route that met a DS3 trigger implied that it also automatically met a DS1 trigger.
- Staff dropped routes associated with collocations based on subsequently provided CLEC information indicating that those collocations were not operationally ready to provide transport.

Questions regarding the assumption that two end points of a candidate route are connected all the way through, coupled with a possible disparity in the count between those collocations assumed by Verizon to be operationally ready versus collocations attested to as being operationally ready by the CLECs providing data to Staff, resulted in a Staff determination that more information was needed. On December 23, 2003, a Staff letter requested clarification from the parties regarding the operational status of collocation nodes at issue on each CLEC's network.

3. Application of Transport Triggers

- Additional information regarding operational readiness decreased the 270 routes identified by Staff on November 17, 2003 to 219 routes (Attachment 3).
- These 219 routes decreased to 126 routes based on incomplete information provided regarding the type of facility provisioned or an entry of "NA" for type of facility provisioned.
- Exclusion of interLATA routes¹¹ reduced the number of routes to 100.
- These 100 routes are comprised of
 - 36 wholesale DS-1 routes (Attachment 4);
 - 48 self-provisioned DS-3 routes (Attachment 5);
 - 37 wholesale DS-3 routes (Attachment 6);
 - 46 self-provisioned dark fiber routes (Attachment 7); and
 - 0 competitive dark fiber routes (Attachment 8).
- Of the remaining 100 routes, 72 are in Verizon's New York service territory and 28 are in the Frontier of Rochester service territory (Attachment 9).
- The results of the above queries are subject to change as more information is provided.

Distribution of Data

As was done following the December 2, 2003 technical conference in this proceeding, Staff is providing the data underlying this analysis in an easy to manipulate format. Only active parties' data is being released. As discussed above, Staff is also providing its compilation of lines served by CLEC switches.

¹¹ Id. at ¶365.

A disk containing these proprietary data will be sent to a representative on the active party list who executed the protective order in Case 03-C-0821. This information should only be shared on an as needed basis with others who have signed the protective order.

Attachments to March 31, 2004

NY PSC Case 03-C-0821

Department of Public Service Staff's

Analysis of Switching & Transport Triggers

Staff List of Wire Centers With 3 or More CLEC Switches Serving Residential and Small Business Customers

per TRO Paragraph 127

WIRE_CNTR	Wire Center Name	Count	WIRE_CNTR	Wire Center Name	Count	WIRE_CNTR	Wire Center Name	Count
NYCMNY30	E. 30Th St. NY	10	BFLONYEL	Buffalo-Elmwood Ave. NY	5	NYCMNYWA	W. 176Th St. NY	4
NYCMNY56	E. 56Th St. NY	10	BFLONYHE	Buffalo-Hertel Ave. NY	5	WSNCNYUN	W. Seneca-Union Rd. NY	4
NYCMNY13	Second Ave. NY	10	NYCMNYCA	Convent Ave. NY	5	AMSTNYPE	Amsterdam NY	3
NYCMNY18	W. 18Th St. NY	10	DRPKNYDP	Deer Park NY	5	ARVGNYAV	Armonk NY	3
NYCMNY36	W. 36Th St. NY	10	ENPTNYEN	E. Northport NY	5	AUBNNYAU	Auburn NY	3
NYCMNY50	W. 50Th St. NY	10	NYCKNYFA	Fairview Ave. NY	5	NYCKNYAI	Ave. I NY	3
WHPLNYWP	White Plains NY	10	GLFLNYGF	Glens Falls NY	5	BAVLNYBV	Baldwinsville NY	3
NYCMNYBS	104 Broad St. NY	9	NYCQNYHS	Hollis NY	5	BRWSNYBW	Brewster NY	3
NYCMNYWS	140 West St. NY	9	MSPQNYMP	Massapequa NY	5	NYCKNYBU	Bushwick Ave. NY	3
NYCMNY37	E. 37Th St. NY	9	MTVRNYMV	Mount Vernon NY	5	CICRNYCJ	Cicero NY	3
NYCMNY79	E. 79Th St. NY	9	PSVLNYPV	Pleasantville NY	5	CLAYNYOS	Clay/Liverpool NY	3
HMPSNYHS	Hempstead NY	9	NYCQNYRH	Richmond Hill NY	5	CLPKNYCP	Clifton Park NY	3
HCVLNYHV	Hicksville NY	9	RSLNNYRO	Roslyn NY	5	CMMKNYCM	Commack NY	3
HNSTNYHU	Huntington NY	9	SYRCNYSU	Syracuse-State St. NY	5	DLMRNYDA	Delmar NY	3
NYCMNY42	W. 42Nd St. NY	9	WNTGNYWT	Wantagh NY	5	NYCQNYFR	Far Rockaway NY	3
NYCMNY73	W. 73Rd St. NY	9	NYCKNYWM	Williamsburg NY	5	FYVLNYFV	Fayetteville NY	3
NYCMNY97	E. 97Th St. NY	8	WSVLNYNC	Williamsville NY	5	GLCVNYGC	Glen Cove NY	3
LYBRNYLB	Lynbrook NY	8	YNKRNYYN	Yonkers NY	5	GDISNYGI	Grand Island NY	3
MINLNYMI	Mineola NY	8	NYCQNYOP	115Th Ave. NY	4	HMBGNYHB	Hamburg NY	3
NYCMNYVS	Varick St. NY	8	NYCKNYFT	14Th Ave. NY	4	NYCXNYHO	Hoe Ave. NY	3
ALBYNYWA	Albany-Washington Ave. NY	7	NYCKNYAL	Albemarle Rd. NY	4	HDSNNYHD	Hudson NY	3
NYCKNYBR	Bridge St. NY	7	NYCKNYAR	Ave. R NY	4	NYCQNYIA	J. F. Kennedy NY	3
BFLONYFR	Buffalo-Franklin St. NY	7	NYCKNYAU	Ave. U NY	4	NYCXNYKB	Kingsbridge Ave. NY	3
BRWDNYBW	Central Islip NY	7	BBYLNBYN	Babylon NY	4	NYCKNYLA	Liberty Ave. NY	3
NYCXNYCR	Cruger Ave. NY	7	BALSNYBA	Ballston Spa NY	4	MNHSNYMH	Manhasset NY	3
FRDLNYFM	Farmingdale NY	7	BYSHNYBY	Bayshore NY	4	NWBRNYNW	Newburgh NY	3
NYCQNYFL	Flushing NY	7	BFLONYMA	Buffalo-Main St. NY	4	NGFLNYPO	Niagara Falls-Portage NY	3
FRPTNYFP	Freeport NY	7	BFLONYSP	Buffalo-S. Park Ave. NY	4	ONEDNYOD	Oneida NY	3
GRCYNYGC	Garden City NY	7	NYCQNYCO	Corona NY	4	ORPKNYST	Orchard Park NY	3
ALBYNYGD	Guilderland NY	7	DBFYNYDF	Dobbs Ferry NY	4	OSNGNYOS	Ossining NY	3
NYCKNYKP	Kenmore Pl. NY	7	NYCXNYMH	E. 150Th St. NY	4	PLBGNYPB	Plattsburgh NY	3
PCHGNYPH	Patchogue NY	7	NYCXNYJE	E. 167Th St. NY	4	PTWANYPW	Port Washington NY	3
SCHNNYSC	Schenectady-Clinton St. NY	7	GNBGNYFV	Fairview Park NY	4	PRDYNYPD	Purdys NY	3
NYCXNYTR	Tratman Ave. NY	7	NYCXNYGC	Grand Concourse NY	4	RVHDNYRV	Riverhead NY	3
WBYYNYWE	Westbury NY	7	HRSNNYHN	Harrison NY	4	NYCKNYRA	Rockaway Ave. NY	3
ALBYNYSS	Albany-State St. NY	6	NYCQNYJA	Jamaica NY	4	ROMENYRM	Rome NY	3
NYCKNYCL	Clinton Ave. NY	6	LNCSNYLC	Lancaster NY	4	NYCRNYSS	S. Staten Island NY	3
FLPKNYFP	Floral Park NY	6	LTHMNYTS	Latham NY	4	SLDNNYSE	Selden NY	3
NYCQNYFH	Forest Hills NY	6	NYCQNYLN	Laurelton NY	4	SPVYNYSV	Spring Valley NY	3
GRNKNYGN	Great Neck NY	6	LVTWNYLT	Levittown NY	4	SYRCNYEP	Syracuse-Electronics Pkwy. NY	3
NYCQNYLI	L. I. C. NY	6	LHSTNYLH	Lindenhurst NY	4	CMLSNYON	Syracuse-Fairmount NY	3
NYCMNYMN	Manhattan Ave. NY	6	LNBNHNYLB	Long Beach NY	4	SYRCNYSA	Syracuse-S. Salina NY	3
NWRCNYNR	New Rochelle NY	6	MTKSNYMK	Mount Kisco NY	4	NYCMNYTH	Thayer St. NY	3
NYCQNYNW	Newtown NY	6	NGRRNYNG	N. Greenbush NY	4	NYCKNYTY	Troy Ave. NY	3
PLVWNYPV	Plainview NY	6	NYCQNYNJ	N. Jamaica NY	4	TROYNY04	Troy-Fourth St. NY	3
PTCHNYPC	Port Chester NY	6	NYCRNYNS	N. Staten Island NY	4	NYCRNYWS	W. Staten Island NY	3
RNKNNYRN	Ronkonkoma NY	6	NYCRNYND	New Dorp NY	4	WTTWNYUN	Watertown NY	3
SYVLNYSA	Sayville NY	6	NYACNYNK	Nyack NY	4	WDMRNYFR	Woodmere NY	3
SMTWNYSM	Smithtown NY	6	NYCMNYPS	Pearl St. NY	4	Frontier of Rochester Service Territory**		
SYOSNYSY	Syosset NY	6	SRSPNYSR	Saratoga NY	4	** FTR CLEC Counts May Be Overstated		
NYCKNY14	14Th St. NY	5	SCDLNYSR	Scarsdale NY	4	BITNNYXA	Rochester -BH TL	4
NYCKNY71	71St St. NY	5	SYRCNYJS	Syracuse-James St. NY	4	ROCHNYXK	Rochester - Pixley Rd	4
NYCKNY77	77Th St. NY	5	TRTWNYTT	Tarrytown NY	4	ERCHNYXA	Fairport	3
AMHRNYMP	Amherst NY	5	NYCXNYTB	Tiebout Ave. NY	4	FAPTNYXB	Perinton	3
NYCQNYAS	Astoria NY	5	TNWNNTYW	Tonawanda NY	4	HNRTNYXA	Erie Station	3
NYCKNYAY	Ave. Y NY	5	TKHONYTU	Tuckahoe NY	4	ROCHNYXB	Rochester - Stone	3
NYCQNYBA	Bayside NY	5	UTICNYUT	Utica NY	4	ROCHNYXF	Rochester - Norton	3

**Staff List of Wire Centers With 3 or More CLEC Switches
Serving Residential Customers Only***per TRO Footnote 432*

CLLI Code	Wire Center Name	Count
NYCMNY30	E. 30Th St. NY	4
NYCMNY37	E. 37Th St. NY	4
ALBYNYGD	Guilderland NY	3
ALBYNYSS	Albany-State St. NY	3
ALBYNYWA	Albany-Washington Ave. NY	3
FLPKNYFP	Floral Park NY	3
FRPTNYFP	Freeport NY	3
HMPSNYHS	Hempstead NY	3
HNSTNYHU	Huntington NY	3
LYBRNYLB	Lynbrook NY	3
MINLNYMI	Mineola NY	3
NYCMNY13	Second Ave. NY	3
NYCMNY18	W. 18Th St. NY	3
NYCMNY36	W. 36Th St. NY	3
NYCMNY42	W. 42Nd St. NY	3
NYCMNY50	W. 50Th St. NY	3
NYCMNY56	E. 56Th St. NY	3
NYCMNYWS	140 West St. NY	3
PCHGNYPH	Patchogue NY	3

Frontier of Rochester Service Territory

No Wire Centers with 3 or More CLECs

* update November 17, 2003 list of routes having 3 or more

* transport facilities of any type

if transports>=3

219	routes	total count	inter lata routes	Rochester routes	applicable Verizon routes
		219	35	57	135
1	ALBYNYGD,ALBYNYSS	3			yes
2	ALBYNYGD,BFLONYFR	3	inter lata		
3	ALBYNYGD,BFLONYHE	3	inter lata		
4	ALBYNYGD,BFLONYMA	3	inter lata		
5	ALBYNYGD,SCHNNYSC	3			yes
6	ALBYNYGD,SYRCNYEP	3	inter lata		
7	ALBYNYGD,SYRCNYSU	3	inter lata		
8	ALBYNYGD,WSVLNUNC	3	inter lata		
9	ALBYNYSS,ALBYNYWA	3			yes
10	ALBYNYSS,BFLONYFR	4	inter lata		
11	ALBYNYSS,BFLONYHE	3	inter lata		
12	ALBYNYSS,BFLONYMA	3	inter lata		
13	ALBYNYSS,BITNNYXA	3	inter lata	rochester	
14	ALBYNYSS,ERCHNYXA	3	inter lata	rochester	
15	ALBYNYSS,NYCMNY36	3	inter lata		
16	ALBYNYSS,ROCHNYXA	3	inter lata	rochester	
17	ALBYNYSS,ROCHNYXB	3	inter lata	rochester	
18	ALBYNYSS,SCHNNYSC	3			yes
19	ALBYNYSS,SYRCNYEP	3	inter lata		
20	ALBYNYSS,SYRCNYSU	5	inter lata		
21	ALBYNYSS,TROYNY04	3			yes
22	ALBYNYSS,WSVLNUNC	3	inter lata		
23	AMHRNYMP,BFLONYFR	3			yes
24	AMHRNYMP,BFLONYHE	3			yes
25	AMHRNYMP,WSVLNUNC	3			yes
26	BFLONYBA,BFLONYEL	3			yes
27	BFLONYBA,BFLONYFR	3			yes
28	BFLONYBA,BFLONYHE	3			yes
29	BFLONYBA,WSNCCNYUN	3			yes
30	BFLONYBA,WSVLNUNC	3			yes
31	BFLONYEL,BFLONYFR	3			yes
32	BFLONYEL,BFLONYHE	3			yes
33	BFLONYEL,WSNCCNYUN	3			yes
34	BFLONYEL,WSVLNUNC	3			yes
35	BFLONYFR,BFLONYHE	4			yes
36	BFLONYFR,BFLONYMA	3			yes
37	BFLONYFR,BITNNYXA	3		rochester	
38	BFLONYFR,ERCHNYXA	3		rochester	
39	BFLONYFR,ROCHNYXA	3		rochester	
40	BFLONYFR,ROCHNYXB	3		rochester	
41	BFLONYFR,SCHNNYSC	3	inter lata		
42	BFLONYFR,SYRCNYEP	3	inter lata		
43	BFLONYFR,SYRCNYSU	4	inter lata		
44	BFLONYFR,WSNCCNYUN	3			yes
45	BFLONYFR,WSVLNUNC	4			yes
46	BFLONYHE,BFLONYMA	3			yes
47	BFLONYHE,SCHNNYSC	3	inter lata		
48	BFLONYHE,SYRCNYEP	3	inter lata		
49	BFLONYHE,SYRCNYSU	3	inter lata		
50	BFLONYHE,WSNCCNYUN	3			yes
51	BFLONYHE,WSVLNUNC	4			yes
52	BFLONYMA,SCHNNYSC	3	inter lata		
53	BFLONYMA,SYRCNYEP	3	inter lata		
54	BFLONYMA,SYRCNYSU	3	inter lata		
55	BFLONYMA,WSVLNUNC	3			yes
56	BITNNYXA,ERCHNYXA	5		rochester	
57	BITNNYXA,ROCHNYXA	4		rochester	
58	BITNNYXA,ROCHNYXB	5		rochester	
59	BITNNYXA,ROCHNYXC	3		rochester	
60	BITNNYXA,ROCHNYXD	4		rochester	
61	BITNNYXA,ROCHNYXF	4		rochester	
62	BITNNYXA,ROCHNYXH	4		rochester	
63	BITNNYXA,ROCHNYXK	4		rochester	
64	BITNNYXA,SYRCNYSU	3	inter lata	rochester	
65	BITNNYXA,WBSTDNYXA	4		rochester	
66	BRWDNYBW,DRPKNYDP	3			yes
67	BRWDNYBW,GRCYNYGC	3			yes

routes	total count	inter lata routes	Rochester routes	applicable Verizon routes
68 BRWDNYBW,NYCMNY56	5			yes
69 BRWDNYBW,NYCMNYVS	3			yes
70 BRWDNYBW,WHPLNYWP	3			yes
71 DRPKNYDP,NYCMNY56	3			yes
72 ERCHNYXA,ROCHNYXA	4		rochester	
73 ERCHNYXA,ROCHNYXB	5		rochester	
74 ERCHNYXA,ROCHNYXC	3		rochester	
75 ERCHNYXA,ROCHNYXD	4		rochester	
76 ERCHNYXA,ROCHNYXF	4		rochester	
77 ERCHNYXA,ROCHNYXH	4		rochester	
78 ERCHNYXA,ROCHNYXK	4		rochester	
79 ERCHNYXA,SYRCNYSU	3	inter lata	rochester	
80 ERCHNYXA,WBSTNYXA	4		rochester	
81 GRCYNYGC,MINLNYMI	4			yes
82 GRCYNYGC,NYCMNY56	4			yes
83 GRCYNYGC,NYCMNYBS	3			yes
84 GRCYNYGC,NYCMNYVS	3			yes
85 GRCYNYGC,WHPLNYWP	3			yes
86 MINLNYMI,NYCMNY56	3			yes
87 MINLNYMI,WHPLNYWP	3			yes
88 NYCKNYBR,NYCMNY13	3			yes
89 NYCKNYBR,NYCMNY18	5			yes
90 NYCKNYBR,NYCMNY30	3			yes
91 NYCKNYBR,NYCMNY36	3			yes
92 NYCKNYBR,NYCMNY37	3			yes
93 NYCKNYBR,NYCMNY42	3			yes
94 NYCKNYBR,NYCMNY50	3			yes
95 NYCKNYBR,NYCMNY56	3			yes
96 NYCKNYBR,NYCMNY79	3			yes
97 NYCKNYBR,NYCMNYBS	4			yes
98 NYCKNYBR,NYCMNYVS	3			yes
99 NYCKNYBR,NYCMNYWS	3			yes
100 NYCKNYBR,WHPLNYWP	3			yes
101 NYCMNY13,NYCMNY18	5			yes
102 NYCMNY13,NYCMNY30	8			yes
103 NYCMNY13,NYCMNY36	6			yes
104 NYCMNY13,NYCMNY37	6			yes
105 NYCMNY13,NYCMNY42	6			yes
106 NYCMNY13,NYCMNY50	6			yes
107 NYCMNY13,NYCMNY56	6			yes
108 NYCMNY13,NYCMNY79	3			yes
109 NYCMNY13,NYCMNYBS	6			yes
110 NYCMNY13,NYCMNYVS	3			yes
111 NYCMNY13,NYCMNYWS	8			yes
112 NYCMNY13,WHPLNYWP	3			yes
113 NYCMNY18,NYCMNY30	5			yes
114 NYCMNY18,NYCMNY36	6			yes
115 NYCMNY18,NYCMNY37	5			yes
116 NYCMNY18,NYCMNY42	5			yes
117 NYCMNY18,NYCMNY50	5			yes
118 NYCMNY18,NYCMNY56	5			yes
119 NYCMNY18,NYCMNY79	4			yes
120 NYCMNY18,NYCMNYBS	5			yes
121 NYCMNY18,NYCMNYVS	6			yes
122 NYCMNY18,NYCMNYWS	5			yes
123 NYCMNY18,WHPLNYWP	4			yes
124 NYCMNY30,NYCMNY36	7			yes
125 NYCMNY30,NYCMNY37	8			yes
126 NYCMNY30,NYCMNY42	9			yes
127 NYCMNY30,NYCMNY50	6			yes
128 NYCMNY30,NYCMNY56	6			yes
129 NYCMNY30,NYCMNY79	3			yes
130 NYCMNY30,NYCMNYBS	6			yes
131 NYCMNY30,NYCMNYVS	3			yes
132 NYCMNY30,NYCMNYWS	6			yes
133 NYCMNY30,WHPLNYWP	3			yes
134 NYCMNY36,NYCMNY37	8			yes
135 NYCMNY36,NYCMNY42	12			yes
136 NYCMNY36,NYCMNY50	7			yes
137 NYCMNY36,NYCMNY56	6			yes
138 NYCMNY36,NYCMNY79	3			yes
139 NYCMNY36,NYCMNYBS	6			yes
140 NYCMNY36,NYCMNYVS	3			yes
141 NYCMNY36,NYCMNYWS	6			yes

routes	total count	inter lata routes	Rochester routes	applicable Verizon routes
142 NYCMNY36,WHPLNYWP	3			yes
143 NYCMNY37,NYCMNY42	7			yes
144 NYCMNY37,NYCMNY50	6			yes
145 NYCMNY37,NYCMNY56	8			yes
146 NYCMNY37,NYCMNY79	3			yes
147 NYCMNY37,NYCMNY97	3			yes
148 NYCMNY37,NYCMNYBS	6			yes
149 NYCMNY37,NYCMNYVS	3			yes
150 NYCMNY37,NYCMNYWS	7			yes
151 NYCMNY37,WHPLNYWP	3			yes
152 NYCMNY42,NYCMNY50	6			yes
153 NYCMNY42,NYCMNY56	6			yes
154 NYCMNY42,NYCMNY79	3			yes
155 NYCMNY42,NYCMNYBS	6			yes
156 NYCMNY42,NYCMNYVS	3			yes
157 NYCMNY42,NYCMNYWS	6			yes
158 NYCMNY42,WHPLNYWP	3			yes
159 NYCMNY50,NYCMNY56	8			yes
160 NYCMNY50,NYCMNY73	4			yes
161 NYCMNY50,NYCMNY79	6			yes
162 NYCMNY50,NYCMNYBS	7			yes
163 NYCMNY50,NYCMNYVS	3			yes
164 NYCMNY50,NYCMNYWS	6			yes
165 NYCMNY50,WHPLNYWP	3			yes
166 NYCMNY56,NYCMNY73	4			yes
167 NYCMNY56,NYCMNY79	6			yes
168 NYCMNY56,NYCMNYBS	7			yes
169 NYCMNY56,NYCMNYVS	5			yes
170 NYCMNY56,NYCMNYWS	7			yes
171 NYCMNY56,WHPLNYWP	5			yes
172 NYCMNY73,NYCMNY79	4			yes
173 NYCMNY79,NYCMNYBS	3			yes
174 NYCMNY79,NYCMNYVS	3			yes
175 NYCMNY79,NYCMNYWS	3			yes
176 NYCMNY79,WHPLNYWP	3			yes
177 NYCMNYBS,NYCMNYVS	3			yes
178 NYCMNYBS,NYCMNYWS	8			yes
179 NYCMNYBS,WHPLNYWP	4			yes
180 NYCMNYVS,NYCMNYWS	3			yes
181 NYCMNYVS,WHPLNYWP	5			yes
182 NYCMNYWS,WHPLNYWP	3			yes
183 ROCHNYXA,ROCHNYXB	4		rochester	
184 ROCHNYXA,ROCHNYXC	3		rochester	
185 ROCHNYXA,ROCHNYXD	3		rochester	
186 ROCHNYXA,ROCHNYXF	3		rochester	
187 ROCHNYXA,ROCHNYXH	3		rochester	
188 ROCHNYXA,ROCHNYXK	3		rochester	
189 ROCHNYXA,SYRCNYSU	3	inter lata	rochester	
190 ROCHNYXA,WBSTNYXA	3		rochester	
191 ROCHNYXB,ROCHNYXC	3		rochester	
192 ROCHNYXB,ROCHNYXD	4		rochester	
193 ROCHNYXB,ROCHNYXF	4		rochester	
194 ROCHNYXB,ROCHNYXH	4		rochester	
195 ROCHNYXB,ROCHNYXK	4		rochester	
196 ROCHNYXB,SYRCNYSU	3	inter lata	rochester	
197 ROCHNYXB,WBSTNYXA	4		rochester	
198 ROCHNYXC,ROCHNYXD	3		rochester	
199 ROCHNYXC,ROCHNYXF	3		rochester	
200 ROCHNYXC,ROCHNYXH	3		rochester	
201 ROCHNYXC,ROCHNYXK	3		rochester	
202 ROCHNYXC,WBSTNYXA	3		rochester	
203 ROCHNYXD,ROCHNYXF	4		rochester	
204 ROCHNYXD,ROCHNYXH	4		rochester	
205 ROCHNYXD,ROCHNYXK	4		rochester	
206 ROCHNYXD,WBSTNYXA	4		rochester	
207 ROCHNYXF,ROCHNYXH	4		rochester	
208 ROCHNYXF,ROCHNYXK	4		rochester	
209 ROCHNYXF,WBSTNYXA	4		rochester	
210 ROCHNYXH,ROCHNYXK	4		rochester	
211 ROCHNYXH,WBSTNYXA	4		rochester	
212 ROCHNYXK,WBSTNYXA	4		rochester	
213 SCHNNYSC,SYRCNYPE	3	inter lata		
214 SCHNNYSC,SYRCNYSU	3	inter lata		
215 SCHNNYSC,WSVLNINC	3	inter lata		
216 SYRCNYPE,SYRCNYSU	3			yes
217 SYRCNYPE,WSVLNINC	3	inter lata		
218 SYRCNYSU,WSVLNINC	3	inter lata		
219 WSNLCNYUN,WSVLNINC	3			yes

Case 03-C-0821

Attachment 4, Page 1 of 1

* Competitive wholesale facilities trigger for dedicated DS1 transport

* FCC Rules, Section 51.319 (e) (1) (ii)

if count_ds1_w>=2

36	routes	total count	inter lata routes	Rochester routes	applicable Verizon routes
		36	0	0	36
1	NYCMNY13,NYCMNY30	8			yes
2	NYCMNY13,NYCMNY36	6			yes
3	NYCMNY13,NYCMNY37	6			yes
4	NYCMNY13,NYCMNY42	6			yes
5	NYCMNY13,NYCMNY50	6			yes
6	NYCMNY13,NYCMNY56	6			yes
7	NYCMNY13,NYCMNYBS	6			yes
8	NYCMNY13,NYCMNYWS	8			yes
9	NYCMNY30,NYCMNY36	7			yes
10	NYCMNY30,NYCMNY37	8			yes
11	NYCMNY30,NYCMNY42	9			yes
12	NYCMNY30,NYCMNY50	6			yes
13	NYCMNY30,NYCMNY56	6			yes
14	NYCMNY30,NYCMNYBS	6			yes
15	NYCMNY30,NYCMNYWS	6			yes
16	NYCMNY36,NYCMNY37	8			yes
17	NYCMNY36,NYCMNY42	12			yes
18	NYCMNY36,NYCMNY50	7			yes
19	NYCMNY36,NYCMNY56	6			yes
20	NYCMNY36,NYCMNYBS	6			yes
21	NYCMNY36,NYCMNYWS	6			yes
22	NYCMNY37,NYCMNY42	7			yes
23	NYCMNY37,NYCMNY50	6			yes
24	NYCMNY37,NYCMNY56	8			yes
25	NYCMNY37,NYCMNYBS	6			yes
26	NYCMNY37,NYCMNYWS	7			yes
27	NYCMNY42,NYCMNY50	6			yes
28	NYCMNY42,NYCMNY56	6			yes
29	NYCMNY42,NYCMNYBS	6			yes
30	NYCMNY42,NYCMNYWS	6			yes
31	NYCMNY50,NYCMNY56	8			yes
32	NYCMNY50,NYCMNYBS	7			yes
33	NYCMNY50,NYCMNYWS	6			yes
34	NYCMNY56,NYCMNYBS	7			yes
35	NYCMNY56,NYCMNYWS	7			yes
36	NYCMNYBS,NYCMNYWS	8			yes

* Self-provisioning trigger for dedicated DS3 transport

* FCC Rules, Section 51.319 (e) (2) (i) (A)

if count_ds3_sp>=3

76	routes	total count	inter lata routes	Rochester routes	applicable Verizon routes
		76	0	28	48
1	ALBANYSS,SYRCNYSU	5			yes
2	BFLONYFR,BFLONYHE	4			yes
3	BFLONYFR,WSVLNYNC	4			yes
4	BFLONYHE,WSVLNYNC	4			yes
5	BITNNYXA,ERCHNYXA	5		rochester	
6	BITNNYXA,ROCHNYXB	5		rochester	
7	BITNNYXA,ROCHNYXD	4		rochester	
8	BITNNYXA,ROCHNYXF	4		rochester	
9	BITNNYXA,ROCHNYXH	4		rochester	
10	BITNNYXA,ROCHNYXK	4		rochester	
11	BITNNYXA,WBSTNYXA	4		rochester	
12	ERCHNYXA,ROCHNYXB	5		rochester	
13	ERCHNYXA,ROCHNYXD	4		rochester	
14	ERCHNYXA,ROCHNYXF	4		rochester	
15	ERCHNYXA,ROCHNYXH	4		rochester	
16	ERCHNYXA,ROCHNYXK	4		rochester	
17	ERCHNYXA,WBSTNYXA	4		rochester	
18	NYCKNYBR,NYCMNY18	5			yes
19	NYCKNYBR,NYCMNYBS	4			yes
20	NYCKNYBR,NYCMNYWS	3			yes
21	NYCMNY13,NYCMNY30	8			yes
22	NYCMNY13,NYCMNY36	6			yes
23	NYCMNY13,NYCMNY37	6			yes
24	NYCMNY13,NYCMNY42	6			yes
25	NYCMNY13,NYCMNY50	6			yes
26	NYCMNY13,NYCMNY56	6			yes
27	NYCMNY13,NYCMNYBS	6			yes
28	NYCMNY13,NYCMNYWS	8			yes
29	NYCMNY18,NYCMNY36	6			yes
30	NYCMNY18,NYCMNYWS	5			yes
31	NYCMNY30,NYCMNY36	7			yes
32	NYCMNY30,NYCMNY37	8			yes
33	NYCMNY30,NYCMNY42	9			yes
34	NYCMNY30,NYCMNY50	6			yes
35	NYCMNY30,NYCMNY56	6			yes
36	NYCMNY30,NYCMNYBS	6			yes
37	NYCMNY30,NYCMNYWS	6			yes
38	NYCMNY36,NYCMNY37	8			yes
39	NYCMNY36,NYCMNY42	12			yes
40	NYCMNY36,NYCMNY50	7			yes
41	NYCMNY36,NYCMNY56	6			yes
42	NYCMNY36,NYCMNYBS	6			yes
43	NYCMNY36,NYCMNYWS	6			yes
44	NYCMNY37,NYCMNY42	7			yes
45	NYCMNY37,NYCMNY50	6			yes
46	NYCMNY37,NYCMNY56	8			yes
47	NYCMNY37,NYCMNYBS	6			yes
48	NYCMNY37,NYCMNYWS	7			yes
49	NYCMNY42,NYCMNY50	6			yes
50	NYCMNY42,NYCMNY56	6			yes
51	NYCMNY42,NYCMNYBS	6			yes
52	NYCMNY42,NYCMNYWS	6			yes
53	NYCMNY50,NYCMNY56	8			yes
54	NYCMNY50,NYCMNYBS	7			yes
55	NYCMNY50,NYCMNYWS	6			yes
56	NYCMNY56,NYCMNYBS	7			yes
57	NYCMNY56,NYCMNYWS	7			yes
58	NYCMNY79,NYCMNYWS	3			yes
59	NYCMNYBS,NYCMNYWS	8			yes
60	NYCMNYVS,NYCMNYWS	3			yes
61	NYCMNYVS,WHPLNYWP	5			yes
62	ROCHNYXB,ROCHNYXD	4		rochester	
63	ROCHNYXB,ROCHNYXF	4		rochester	
64	ROCHNYXB,ROCHNYXH	4		rochester	
65	ROCHNYXB,ROCHNYXK	4		rochester	
66	ROCHNYXB,WBSTNYXA	4		rochester	
67	ROCHNYXD,ROCHNYXF	4		rochester	
68	ROCHNYXD,ROCHNYXH	4		rochester	
69	ROCHNYXD,ROCHNYXK	4		rochester	
70	ROCHNYXD,WBSTNYXA	4		rochester	
71	ROCHNYXF,ROCHNYXH	4		rochester	
72	ROCHNYXF,ROCHNYXK	4		rochester	
73	ROCHNYXF,WBSTNYXA	4		rochester	
74	ROCHNYXH,ROCHNYXK	4		rochester	
75	ROCHNYXH,WBSTNYXA	4		rochester	
76	ROCHNYXK,WBSTNYXA	4		rochester	

Case 03-C-0821

Attachment 6, Page 1 of 1

* Competitive wholesale facilities trigger for dedicated DS3 transport

* FCC Rules, Section 51.319 (e) (2) (i) (B)

if count_ds3_w>=2

37	routes	total count	inter lata routes	Rochester routes	applicable Verizon routes
		37	0	0	37
1	NYCMNY13,NYCMNY30	8			yes
2	NYCMNY13,NYCMNY36	6			yes
3	NYCMNY13,NYCMNY37	6			yes
4	NYCMNY13,NYCMNY42	6			yes
5	NYCMNY13,NYCMNY50	6			yes
6	NYCMNY13,NYCMNY56	6			yes
7	NYCMNY13,NYCMNYBS	6			yes
8	NYCMNY13,NYCMNYWS	8			yes
9	NYCMNY18,NYCMNY36	6			yes
10	NYCMNY30,NYCMNY36	7			yes
11	NYCMNY30,NYCMNY37	8			yes
12	NYCMNY30,NYCMNY42	9			yes
13	NYCMNY30,NYCMNY50	6			yes
14	NYCMNY30,NYCMNY56	6			yes
15	NYCMNY30,NYCMNYBS	6			yes
16	NYCMNY30,NYCMNYWS	6			yes
17	NYCMNY36,NYCMNY37	8			yes
18	NYCMNY36,NYCMNY42	12			yes
19	NYCMNY36,NYCMNY50	7			yes
20	NYCMNY36,NYCMNY56	6			yes
21	NYCMNY36,NYCMNYBS	6			yes
22	NYCMNY36,NYCMNYWS	6			yes
23	NYCMNY37,NYCMNY42	7			yes
24	NYCMNY37,NYCMNY50	6			yes
25	NYCMNY37,NYCMNY56	8			yes
26	NYCMNY37,NYCMNYBS	6			yes
27	NYCMNY37,NYCMNYWS	7			yes
28	NYCMNY42,NYCMNY50	6			yes
29	NYCMNY42,NYCMNY56	6			yes
30	NYCMNY42,NYCMNYBS	6			yes
31	NYCMNY42,NYCMNYWS	6			yes
32	NYCMNY50,NYCMNY56	8			yes
33	NYCMNY50,NYCMNYBS	7			yes
34	NYCMNY50,NYCMNYWS	6			yes
35	NYCMNY56,NYCMNYBS	7			yes
36	NYCMNY56,NYCMNYWS	7			yes
37	NYCMNYBS,NYCMNYWS	8			yes

* Self-provisioning trigger for dark fiber transport

* FCC Rules, Section 51.319 (e) (3) (i) (A)

if count_df_sp>=3

72	routes	total count	inter lata routes	Rochester routes	applicable Verizon routes
		72	26	0	46
1	ALBYNYGD,ALBYNYSS	3			yes
2	ALBYNYGD,BFLONYFR	3	inter lata		
3	ALBYNYGD,BFLONYHE	3	inter lata		
4	ALBYNYGD,BFLONYMA	3	inter lata		
5	ALBYNYGD,SCHNNYSC	3			yes
6	ALBYNYGD,SYRCNYEP	3	inter lata		
7	ALBYNYGD,SYRCNYSU	3	inter lata		
8	ALBYNYGD,WSVLNINC	3	inter lata		
9	ALBYNYSS,ALBYNYWA	3			yes
10	ALBYNYSS,BFLONYFR	4	inter lata		
11	ALBYNYSS,BFLONYHE	3	inter lata		
12	ALBYNYSS,BFLONYMA	3	inter lata		
13	ALBYNYSS,SCHNNYSC	3			yes
14	ALBYNYSS,SYRCNYEP	3	inter lata		
15	ALBYNYSS,SYRCNYSU	5	inter lata		
16	ALBYNYSS,TROYN04	3			yes
17	ALBYNYSS,WSVLNINC	3	inter lata		
18	BFLONYFR,BFLONYHE	4			yes
19	BFLONYFR,BFLONYMA	3			yes
20	BFLONYFR,SCHNNYSC	3	inter lata		
21	BFLONYFR,SYRCNYEP	3	inter lata		
22	BFLONYFR,SYRCNYSU	4	inter lata		
23	BFLONYFR,WSVLNINC	4			yes
24	BFLONYHE,BFLONYMA	3			yes
25	BFLONYHE,SCHNNYSC	3	inter lata		
26	BFLONYHE,SYRCNYEP	3	inter lata		
27	BFLONYHE,SYRCNYSU	3	inter lata		
28	BFLONYHE,WSVLNINC	4			yes
29	BFLONYMA,SCHNNYSC	3	inter lata		
30	BFLONYMA,SYRCNYEP	3	inter lata		
31	BFLONYMA,SYRCNYSU	3	inter lata		
32	BFLONYMA,WSVLNINC	3			yes
33	NYCMNY13,NYCMNY18	5			yes
34	NYCMNY13,NYCMNY30	8			yes
35	NYCMNY13,NYCMNYWS	8			yes
36	NYCMNY18,NYCMNY30	5			yes
37	NYCMNY18,NYCMNY36	6			yes
38	NYCMNY18,NYCMNY37	5			yes
39	NYCMNY18,NYCMNY42	5			yes
40	NYCMNY18,NYCMNY50	5			yes
41	NYCMNY18,NYCMNY56	5			yes
42	NYCMNY18,NYCMNY79	4			yes
43	NYCMNY18,NYCMNYBS	5			yes
44	NYCMNY18,NYCMNYVS	6			yes
45	NYCMNY18,NYCMNYWS	5			yes
46	NYCMNY18,WHPLNYWP	4			yes
47	NYCMNY30,NYCMNY36	7			yes
48	NYCMNY30,NYCMNY37	8			yes
49	NYCMNY30,NYCMNY42	9			yes
50	NYCMNY36,NYCMNY37	8			yes
51	NYCMNY36,NYCMNY42	12			yes
52	NYCMNY36,NYCMNY50	7			yes
53	NYCMNY37,NYCMNY42	7			yes
54	NYCMNY37,NYCMNY56	8			yes
55	NYCMNY37,NYCMNYWS	7			yes
56	NYCMNY50,NYCMNY56	8			yes
57	NYCMNY50,NYCMNY73	4			yes
58	NYCMNY50,NYCMNY79	6			yes
59	NYCMNY50,NYCMNYBS	7			yes
60	NYCMNY56,NYCMNY73	4			yes
61	NYCMNY56,NYCMNY79	6			yes
62	NYCMNY56,NYCMNYBS	7			yes
63	NYCMNY56,NYCMNYWS	7			yes
64	NYCMNY73,NYCMNY79	4			yes
65	NYCMNYBS,NYCMNYWS	8			yes
66	NYCMNYBS,WHPLNYWP	4			yes
67	SCHNNYSC,SYRCNYEP	3	inter lata		
68	SCHNNYSC,SYRCNYSU	3	inter lata		
69	SCHNNYSC,WSVLNINC	3	inter lata		
70	SYRCNYEP,SYRCNYSU	3			yes
71	SYRCNYEP,WSVLNINC	3	inter lata		
72	SYRCNYSU,WSVLNINC	3	inter lata		

* Competitive wholesale facilities trigger for dark fiber transport
* FCC Rules, Section 51.319 (e) (3) (i) (B)
if count_df_w>=2

0	routes	total count	inter lata routes	Rochester routes	applicable Verizon routes
		0	0	0	0
no observations					

Case 03-C-0821

Attachment 9, Page 1 of 2

* Any of 5 triggers for dedicated DS1, DS3, dark fiber transport

* FCC Rules, Section 51.319 (e) (1), (2) & (3)

if count_ds1_w>=2 or count_ds3_sp>=3 or count_ds3_w>=2
or count_df_sp>=3 or count_df_w>=2

126	route	total count	inter lata routes	Rochester routes	applicable Verizon routes
		126	26	28	72
1	ALBYNYGD,ALBYNYSS	3			yes
2	ALBYNYGD,BFLONYFR	3	inter lata		
3	ALBYNYGD,BFLONYHE	3	inter lata		
4	ALBYNYGD,BFLONYMA	3	inter lata		
5	ALBYNYGD,SCHNNYSC	3			yes
6	ALBYNYGD,SYRCNYEP	3	inter lata		
7	ALBYNYGD,SYRCNYSU	3	inter lata		
8	ALBYNYGD,WSVLNUNC	3	inter lata		
9	ALBYNYSS,ALBYNYWA	3			yes
10	ALBYNYSS,BFLONYFR	4	inter lata		
11	ALBYNYSS,BFLONYHE	3	inter lata		
12	ALBYNYSS,BFLONYMA	3	inter lata		
13	ALBYNYSS,SCHNNYSC	3			yes
14	ALBYNYSS,SYRCNYEP	3	inter lata		
15	ALBYNYSS,SYRCNYSU	5	inter lata		
16	ALBYNYSS,TROYNY04	3			yes
17	ALBYNYSS,WSVLNUNC	3	inter lata		
18	BFLONYFR,BFLONYHE	4			yes
19	BFLONYFR,BFLONYMA	3			yes
20	BFLONYFR,SCHNNYSC	3	inter lata		
21	BFLONYFR,SYRCNYEP	3	inter lata		
22	BFLONYFR,SYRCNYSU	4	inter lata		
23	BFLONYFR,WSVLNUNC	4			yes
24	BFLONYHE,BFLONYMA	3			yes
25	BFLONYHE,SCHNNYSC	3	inter lata		
26	BFLONYHE,SYRCNYEP	3	inter lata		
27	BFLONYHE,SYRCNYSU	3	inter lata		
28	BFLONYHE,WSVLNUNC	4			yes
29	BFLONYMA,SCHNNYSC	3	inter lata		
30	BFLONYMA,SYRCNYEP	3	inter lata		
31	BFLONYMA,SYRCNYSU	3	inter lata		
32	BFLONYMA,WSVLNUNC	3			yes
33	BITNNYXA,ERCHNYXA	5		rochester	
34	BITNNYXA,ROCHNYXB	5		rochester	
35	BITNNYXA,ROCHNYXD	4		rochester	
36	BITNNYXA,ROCHNYXF	4		rochester	
37	BITNNYXA,ROCHNYXH	4		rochester	
38	BITNNYXA,ROCHNYXK	4		rochester	
39	BITNNYXA,WBSTNYXA	4		rochester	
40	ERCHNYXA,ROCHNYXB	5		rochester	
41	ERCHNYXA,ROCHNYXD	4		rochester	
42	ERCHNYXA,ROCHNYXF	4		rochester	
43	ERCHNYXA,ROCHNYXH	4		rochester	
44	ERCHNYXA,ROCHNYXK	4		rochester	
45	ERCHNYXA,WBSTNYXA	4		rochester	
46	NYCKNYBR,NYCMNY18	5			yes
47	NYCKNYBR,NYCMNYBS	4			yes
48	NYCKNYBR,NYCMNYWS	3			yes
49	NYCMNY13,NYCMNY18	5			yes
50	NYCMNY13,NYCMNY30	8			yes
51	NYCMNY13,NYCMNY36	6			yes
52	NYCMNY13,NYCMNY37	6			yes
53	NYCMNY13,NYCMNY42	6			yes
54	NYCMNY13,NYCMNY50	6			yes
55	NYCMNY13,NYCMNY56	6			yes
56	NYCMNY13,NYCMNYBS	6			yes
57	NYCMNY13,NYCMNYWS	8			yes
58	NYCMNY18,NYCMNY30	5			yes

route	total count	inter lata routes	Rochester routes	applicable Verizon routes
59 NYCMNY18,NYCMNY36	6			yes
60 NYCMNY18,NYCMNY37	5			yes
61 NYCMNY18,NYCMNY42	5			yes
62 NYCMNY18,NYCMNY50	5			yes
63 NYCMNY18,NYCMNY56	5			yes
64 NYCMNY18,NYCMNY79	4			yes
65 NYCMNY18,NYCMNYBS	5			yes
66 NYCMNY18,NYCMNYVS	6			yes
67 NYCMNY18,NYCMNYWS	5			yes
68 NYCMNY18,WHPLNYWP	4			yes
69 NYCMNY30,NYCMNY36	7			yes
70 NYCMNY30,NYCMNY37	8			yes
71 NYCMNY30,NYCMNY42	9			yes
72 NYCMNY30,NYCMNY50	6			yes
73 NYCMNY30,NYCMNY56	6			yes
74 NYCMNY30,NYCMNYBS	6			yes
75 NYCMNY30,NYCMNYWS	6			yes
76 NYCMNY36,NYCMNY37	8			yes
77 NYCMNY36,NYCMNY42	12			yes
78 NYCMNY36,NYCMNY50	7			yes
79 NYCMNY36,NYCMNY56	6			yes
80 NYCMNY36,NYCMNYBS	6			yes
81 NYCMNY36,NYCMNYWS	6			yes
82 NYCMNY37,NYCMNY42	7			yes
83 NYCMNY37,NYCMNY50	6			yes
84 NYCMNY37,NYCMNY56	8			yes
85 NYCMNY37,NYCMNYBS	6			yes
86 NYCMNY37,NYCMNYWS	7			yes
87 NYCMNY42,NYCMNY50	6			yes
88 NYCMNY42,NYCMNY56	6			yes
89 NYCMNY42,NYCMNYBS	6			yes
90 NYCMNY42,NYCMNYWS	6			yes
91 NYCMNY50,NYCMNY56	8			yes
92 NYCMNY50,NYCMNY73	4			yes
93 NYCMNY50,NYCMNY79	6			yes
94 NYCMNY50,NYCMNYBS	7			yes
95 NYCMNY50,NYCMNYWS	6			yes
96 NYCMNY56,NYCMNY73	4			yes
97 NYCMNY56,NYCMNY79	6			yes
98 NYCMNY56,NYCMNYBS	7			yes
99 NYCMNY56,NYCMNYWS	7			yes
100 NYCMNY73,NYCMNY79	4			yes
101 NYCMNY79,NYCMNYWS	3			yes
102 NYCMNYBS,NYCMNYWS	8			yes
103 NYCMNYBS,WHPLNYWP	4			yes
104 NYCMNYVS,NYCMNYWS	3			yes
105 NYCMNYVS,WHPLNYWP	5			yes
106 ROCHNYXB,ROCHNYXD	4		rochester	
107 ROCHNYXB,ROCHNYXF	4		rochester	
108 ROCHNYXB,ROCHNYXH	4		rochester	
109 ROCHNYXB,ROCHNYXK	4		rochester	
110 ROCHNYXB,WBSTNYXA	4		rochester	
111 ROCHNYXD,ROCHNYXF	4		rochester	
112 ROCHNYXD,ROCHNYXH	4		rochester	
113 ROCHNYXD,ROCHNYXK	4		rochester	
114 ROCHNYXD,WBSTNYXA	4		rochester	
115 ROCHNYXF,ROCHNYXH	4		rochester	
116 ROCHNYXF,ROCHNYXK	4		rochester	
117 ROCHNYXF,WBSTNYXA	4		rochester	
118 ROCHNYXH,ROCHNYXK	4		rochester	
119 ROCHNYXH,WBSTNYXA	4		rochester	
120 ROCHNYXK,WBSTNYXA	4		rochester	
121 SCHNNYSC,SYRCNYEP	3	inter lata		
122 SCHNNYSC,SYRCNYSU	3	inter lata		
123 SCHNNYSC,WSVLNYNC	3	inter lata		
124 SYRCNYEP,SYRCNYSU	3			yes
125 SYRCNYEP,WSVLNYNC	3	inter lata		
126 SYRCNYSU,WSVLNYNC	3	inter lata		

Staff Transport Trigger Analysis Summary March 2004

* update November 17, 2003 list of routes having 3 or more
* transport facilities of any type
if transports>=3

	total count	inter lata routes	Rochester routes	applicable Verizon routes
routes	219	35	57	135

* Competitive wholesale facilities trigger for dedicated DS1 transport
* FCC Rules, Section 51.319 (e) (1) (ii)
if count_ds1_w>=2

	total count	inter lata routes	Rochester routes	applicable Verizon routes
routes	36	0	0	36

* Self-provisioning trigger for dedicated DS3 transport
* FCC Rules, Section 51.319 (e) (2) (i) (A)
if count_ds3_sp>=3

	total count	inter lata routes	Rochester routes	applicable Verizon routes
routes	76	0	28	48

* Competitive wholesale facilities trigger for dedicated DS3 transport
* FCC Rules, Section 51.319 (e) (2) (i) (B)
if count_ds3_w>=2

	total count	inter lata routes	Rochester routes	applicable Verizon routes
routes	37	0	0	37

* Self-provisioning trigger for dark fiber transport
* FCC Rules, Section 51.319 (e) (3) (i) (A)
if count_df_sp>=3

	total count	inter lata routes	Rochester routes	applicable Verizon routes
routes	72	26	0	46

* Competitive wholesale facilities trigger for dark fiber transport
* FCC Rules, Section 51.319 (e) (3) (i) (B)
if count_df_w>=2

	total count	inter lata routes	Rochester routes	applicable Verizon routes
routes	0	0	0	0

no observations

* Any of 5 triggers for dedicated DS1, DS3, dark fiber transport
* FCC Rules, Section 51.319 (e) (1), (2) & (3)
if count_ds1_w>=2 or count_ds3_sp>=3 or count_ds3_w>=2
or count_df_sp>=3 or count_df_w>=2

	total count	inter lata routes	Rochester routes	applicable Verizon routes
route	126	26	28	72

APPENDIX D

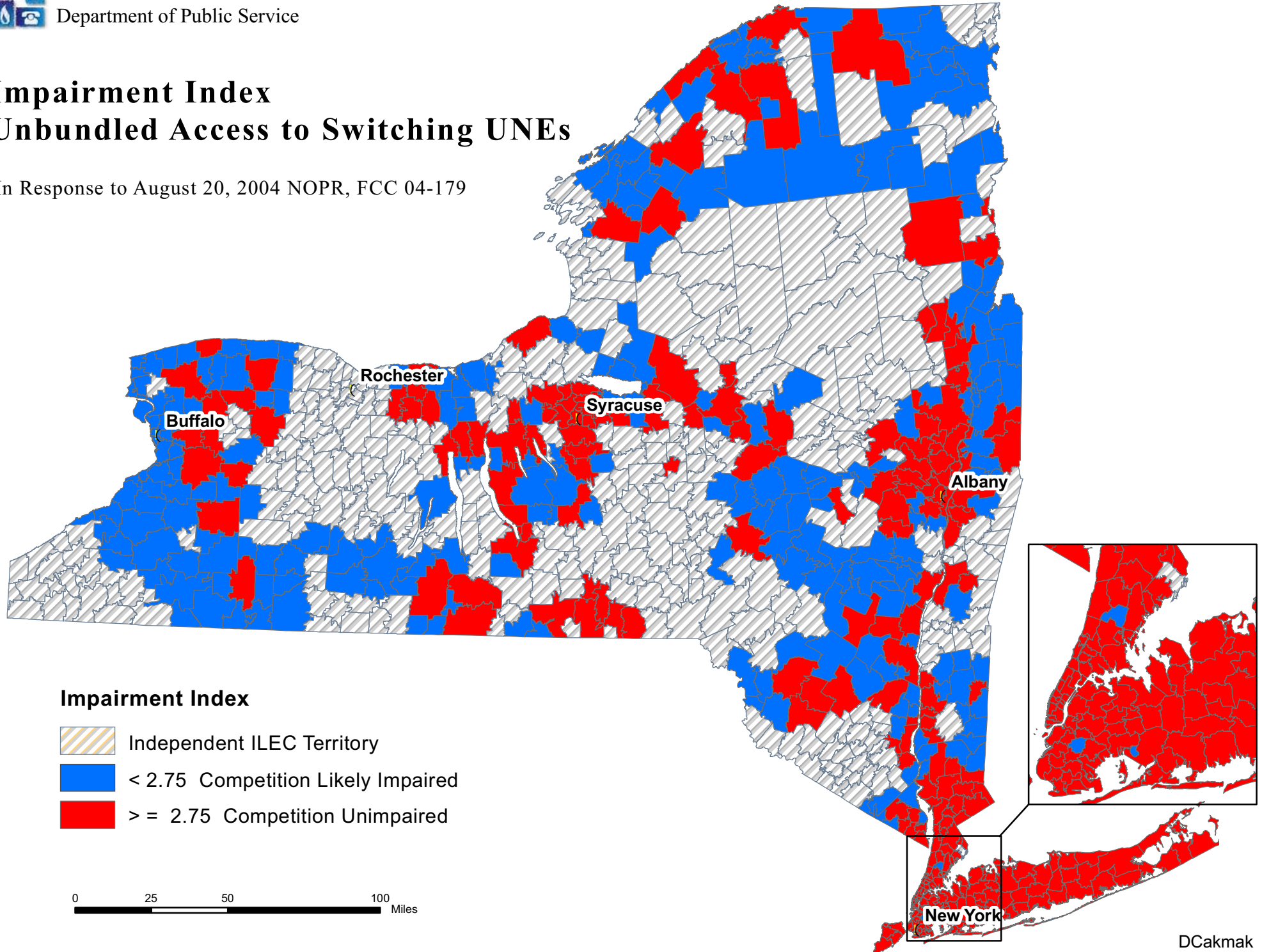
MAPS

The following pages contain maps produced by NYDPS. The first map depicts the wire center results for local circuit switching from our intermodal impairment index. The second map depicts routes having three or more competitors from a statewide perspective. The third map depicts transport routes having three or more competitors from a regional perspective.



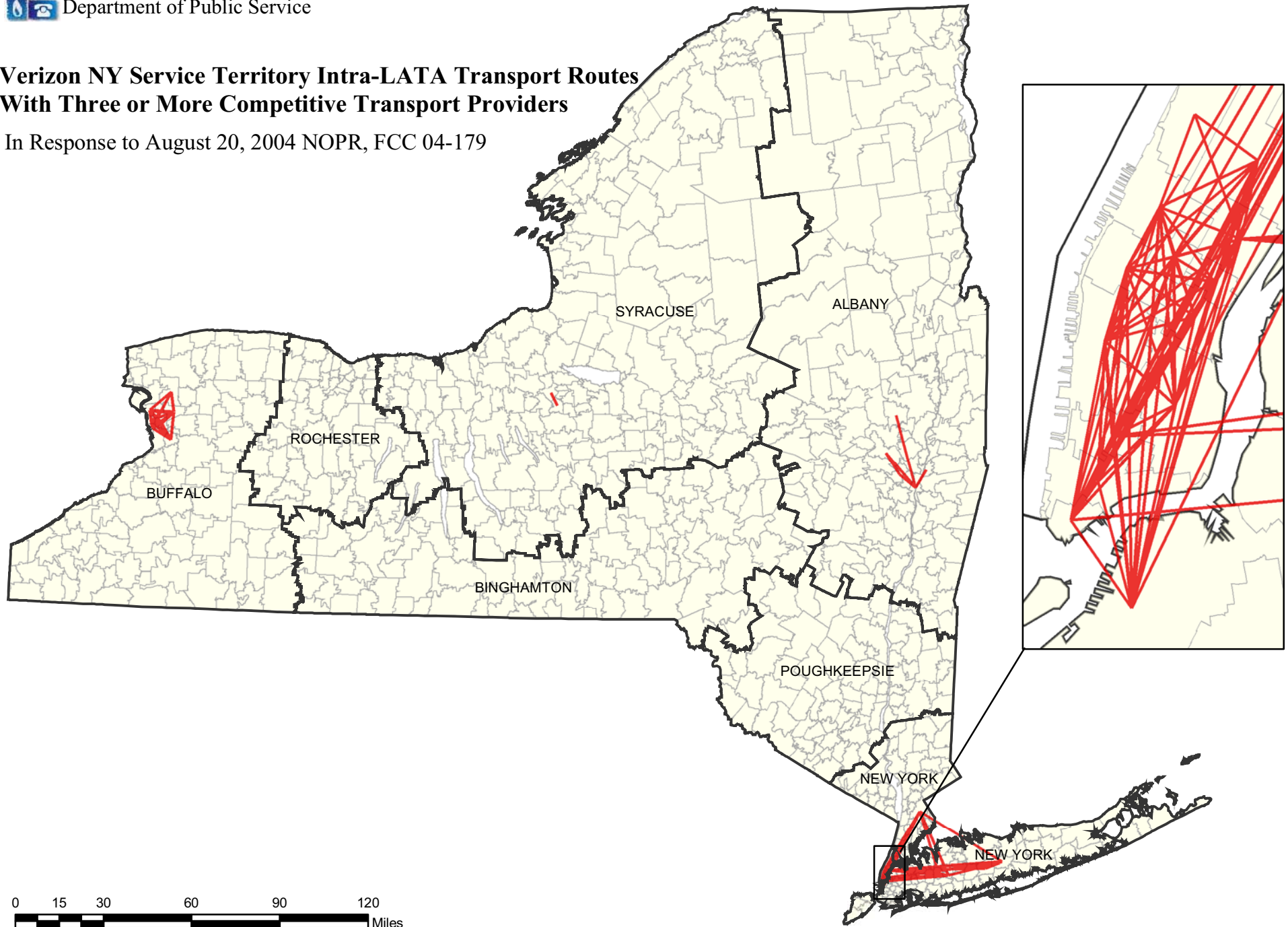
Impairment Index Unbundled Access to Switching UNEs

In Response to August 20, 2004 NOPR, FCC 04-179



Verizon NY Service Territory Intra-LATA Transport Routes With Three or More Competitive Transport Providers

In Response to August 20, 2004 NOPR, FCC 04-179



Verizon NY Service Territory Intra-LATA Transport Routes With Three or More Competitive Transport Providers

In Response to August 20, 2004 NOPR, FCC 04-179

